

Unofficial translation

The Human Rights Situation in Ukraine

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The human rights situation in Ukraine continues to degrade. The Kyiv authorities adopt legislative acts contrary to the rules of national law and international obligations. Human rights activists document systemic violations of fundamental human rights and freedoms. Referring to the need to combat the so-called Russian aggression and separatism, political opponents, independent journalists, media outlets, and undesirable members of public organizations are being prosecuted. The rights of internally displaced persons, the Russian-speaking population, and representatives of national minorities are limited. The clergy and parishioners of the canonical Ukrainian Orthodox Church are being prosecuted.

The right to liberty and security of person is not respected. In Ukraine, there are numerous facts of illegal detention, torture, intimidation, ill-treatment, sexual violence, including to obtain confessions or compel cooperation.

Numerous problems that exist in Ukraine came to the attention of many international human rights monitoring structures, including human rights treaty bodies, special procedures of the UN Human Rights Council, as well as international and Ukrainian non-governmental human rights organizations. All these structures noted the systemic nature of human rights problems in Ukraine and were concerned that the identified problems required the closest attention of the authorities and serious efforts to address them. However, the developments prove the inability and unwillingness of the Ukrainian authorities to remedy the existing significant human rights violations.

Manifestations of neo-Nazism, glorification of former Nazis and collaborationists, as well as the spread of racism, xenophobia, and anti-Semitism

There are numerous reports of manifestations of the state policy in Ukraine aimed at whitewashing and glorifying Nazism and Nazi accomplices of the World War II that are recognized as criminals by the decision of the Nuremberg Tribunal, as well as reports of the falsification of its history. The country's authorities take systematic measures to erase the Ukrainian people's memory of memorable date – the Victory Day of the USSR over German Nazism – celebrated on May 9. The historical events are misrepresented with a view to cultivating the nationalist mood among the general population.

Ukraine and the United States remain the only UN Member States opposing the annually adopted UN General Assembly resolution "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" submitted by Russia with a wide range of co-sponsors from all regions of the world. These two countries oppose the very concept of the document. According to U.S. representatives, glorification of Nazism and any other misanthropic ideas is the realization of the right to freedom of expression ("freedom of speech") and assembly. However, on October 16, 2019, in the very United States, 40 members of the Congress petitioned the State Department to recognize the Azov Battalion (a Ukrainian National Guard regiment) as a terrorist organization, accusing it of neo-Nazism.¹ But the representatives of Ukraine openly indicate that cooperation with the Nazis may be justified if it aimed at the national liberation struggle.

¹ "Ukraine Is a Training Ground for the Ultranationalists: the Connection between the Azov Battalion and Extremists in the United States." *Strana.UA*. October 29, 2019. Available at <https://strana.ua/news/230444-azov-i-neonatsisty-ssha-pochemu-v-konhresse-khotjat-priznat-polk-terroristami.html>, and https://maxrose.house.gov/uploadedfiles/2019.10.16_rose_fto_letter_to_state.pdf

The Ukrainian authorities continue the policy of glorification of Nazi collaborationists, members of Ukrainian nationalist groups portrayed as members of the so-called national liberation movement in the 1940–1950s and anti-communism fighters for the freedom of the Motherland. Particular emphasis is given to a wide range of measures to support them by the State.

Following the adoption of the so-called decommunization package of laws by the Verkhovna Rada in April 2015, the policy of glorification of the Nazis and their accomplices gained special impetus. Thus, the Law on the Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of their Symbols, Law on Access to the Archives of Repressive Agencies of the Communist Totalitarian Regime of 1917–1991, Law on Perpetuation of the Victory over Nazism in the World War II of 1939–1945, and Law on the Legal Status and Honouring the Memory of Fighters for Ukraine's Independence in the Twentieth Century not only prohibit the Soviet symbols, condemn the communist regime, and open up the archives of Soviet intelligence services, but also recognize the fighters of the Ukrainian nationalist groups of the World War II (the Organization of Ukrainian Nationalists (OUN), the Ukrainian Insurgent Army (UIA),² and their leaders: Stepan Bandera, OUN leader, and Roman Shukhevych, commander of the Nachtigall Battalion and the UIA)— as fighters for independence.

Negative assessment of the activities of the said entities, as well as manufacture, distribution, and public use of symbols of the communist totalitarian regime are criminalized.

"Decommunization" means, first of all, renaming of settlements, streets, and dismantling of memorial signs and images related to the Soviet past. According to the Ukrainian Institute of National Remembrance (UINR), which compiled lists of objects subject to dismantling or renaming, 52,000 streets,

² Both organizations are declared extremist by the Russian Federation.

about 1,000 settlements, and 26 districts were renamed, and 2,500 monuments of the socialist era were dismantled in the country since 2015.³

In line with the provisions of Law on the Legal Status and Honoring the Memory of Fighters for Ukraine's Independence in the Twentieth Century, on January 30, 2018, the Lviv Regional Council authorized to use the OUN-UIA flag along with the Ukrainian national flag. Similar decisions were taken by the Volyn Regional Council and city councils in Ternopol, Kyiv, and several other cities.⁴

In December 2018, a law amending the Law on the Status of War Veterans, Guarantees of their Social Protection (No. 2640-VIII) was passed, which essentially equalized collaborationists as "participants in the struggle for the independence of Ukraine in the 20th century" and veterans who fought for the anti-Hitler coalition.⁵

Ukrainian officials allow for public statements in support of Nazi figures. For example, in September 2018, Andriy Parubiy, former speaker of the Verkhovna Rada, called Hitler "the greatest person who practiced direct democracy" live on the ICTV local television channel.⁶

The activity of Vasyl Marushchynets, Ukrainian consul in Hamburg, who actively posted xenophobic and racist content that justified Nazism and anti-Semitism, evoked a strong media response. He also posted pictures against the background of the Bandera flag and with a cake in the form of Hitler's *Mein Kampf*, which his colleagues presented him for his 60th anniversary. In May 2018, Vasyl Marushchynets was dismissed from service, but in early

³ Available at https://www.facebook.com/volodymyr.viatrovykh/videos/10215079112470702/?_tn=-R

⁴ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

⁵ "Shukhevich Correction: the Verkhovna Rada Introduces Benefits for the Participants of the Holocaust and the Volyn Massacre." *Strana.UA*. December 6, 2018. Available at <https://strana.ua/news/175244-vekhovnaya-rada-predostavila-status-uchastnikov-boevykh-dejstvij-bojtsam-upa-oun-uvo-polelesskaja-sech-i-unra-sut-zakona.html>

⁶ "Andriy Parubiy Remembers Hitler's Direct Democracy." *Korrespondent.net*. September 4, 2018. Available at <https://korrespondent.net/ukraine/4007639-parubiy-vspomnil-o-priamoi-demokratyy-hytlera>

November 2019, the media reported that the Ukrainian judicial authorities had recognized his dismissal as unlawful.⁷

The case when the then Ukrainian Prime Minister Oleksiy Honcharuk attended the concert of the *Sekira Peruna* (Axe of Perun) ultra-right rock band dedicated to the Defender of Ukraine Day in October 2019 was much talked about.⁸ That event was attended by the Ukrainian neo-Nazis, and it was organized by Andrei Medvedko, who had been detained on suspicion in the murder of writer and journalist Oles Buzina and then released—together with the second likely participant Denys Polischuk—under pressure from neo-Nazis. Oleksiy Honcharuk welcomed the gathered ATO veterans from the stage. Later, he confirmed his participation in the neo-Nazi Sabbath via Facebook explaining that it was his wish to "congratulate the veterans and discuss their grievances."⁹

In July 2018, the parliamentary leadership organized a thematic exhibition on the occasion of the 77th anniversary of the Act of the Restoration of the Ukrainian State of June 30, 1941, which created a protectorate under Hitler's control in the territory of Galicia and set its course for cooperation with Nazi Germany. The exhibition was dedicated to the activities of Stepan Bandera and Yaroslav Stetsko, OUN leaders, and Roman Shukhevych, Commander of the Nachtigall Battalion, in the initial period of the Great Patriotic War.¹⁰

⁷ "The Demission of the Anti-Semitic Consul Is Recognized as Unlawful." *Lenta.ru*. November 12, 2019. Available at <https://lenta.ru/news/2019/11/12/zvilen/>; "It Is an Honor to Be a Fascist: the Ukrainian Anti-Semitic Consul Is Re-Employed." *AiF*. November 13, 2019. Available at https://aif.ru/politics/world/fashistom_byt_pochetno_ukrainskiy-konsul-antisemit_vosstanovlen_na-rabote

⁸ Such Nazi leaders as Adolf Hitler and Rudolf Hess, as well as the SS troops using Nazi symbols, are celebrated in the songs of this group. That was the reason for filing a criminal case against it in 2018.

⁹ "Honcharuk with an Axe. Ukrainian Prime Minister's Leisure among neo-Nazis." *Rossiyskaya Gazeta*. October 14, 2019. Available at <https://rg.ru/2019/10/14/premer-ukrainy-otdohnul-v-kompanii-neonacistov.html>

¹⁰ Information message titled "In Commemoration of the 77th Anniversary of the Act of the Restoration of the Ukrainian State of June 30, 1941" opened the exposition on the Restoration of Ukrainian Statehood during the World War II. The web page of the Verkhovna Rada of Ukraine. July 3, 2018. Available at <https://rada.gov.ua/ru/news/Novosty/Soobshchenyya/160401/html>; "The Exhibition "to Commemorate" "the Nachtigall Battalion" and Jewish Pogroms is Opened in the Verkhovna Rada of Ukraine." *EurAsiaDaily*. July 5, 2018. Available at <https://easaily.com/ru/news/2018/07/05/v-rade-ukrainy-otkryta-vystavka-vo-slavu-nahtigalya-i-evreyskih-pogromov>

In February 2019, following the indignation of the nationalist forces over the incident during the crackdown of the nationalists' action by law enforcement agencies on Kontraktova Square in Kyiv, during which the police officers shouted "Lie down, Bandera!", the National Police leadership launched a flash mob "I am Banderite" via social media. This phrase was posted by Serhiy Knyazev, head of the National Police, and Yevhenii Zhukov, head of the patrol police department, on their Facebook pages.

In March 2019, Viktor Muzhenko, chief of the General Staff of the Armed Forces of Ukraine, approved the new patches of the ground forces' brigades. The red-black chevron with the image of a skull and the inscription "Ukraine or death" is approved for the military personnel of the 72nd mechanized brigade named after the Black Cossacks of the Ground Forces of the Armed Forces of Ukraine. These patches have visual similarities to the patches of the Dead Head SS Panzer Division.¹¹

In June 2020, Volodymyr Mikolaenko, Mayor of Kherson, congratulated the citizens with the anniversary of the adoption of the Act of the Proclamation of the Ukrainian State by Hitler's collaborators in Lviv in 1941, the third article of which reads: "The newly established Ukrainian State will collaborate closely with National Socialist Greater-Germany, which under the direction of its leader Adolf Hitler is creating a new order in Europe and the world, and is helping the Ukrainian people to free itself from Moscow's occupation." A total of 14 billboards were posted in the city with a photo of the editorial of the OUN *Samostiynaya Ukraine* newspaper of July 10, 1941, where the text of the act was printed.¹² Oleksii Zhuravko, former MP, recalled on his page on the social

¹¹ "Patches with the Image of a Skull are Approved for one of the Brigades of the Armed Forces of Ukraine." *REGNUM*. March 10, 2019. Available at <https://regnum.ru/news/polit/2587743.html>

¹² "The Mayor of Kherson Congratulates the Citizens on the Anniversary of the Adoption of the Bandera Act and the Oath to Hitler." *EADaily*. June 25, 2020. Available at <https://eadaily.com/ru/news/2020/06/26/mer-hersona-pozdravil-gorozhan-s-banderovskim-aktom-i-prisyagoy-gitleru>

network that the Act of the Proclamation of the Ukrainian State was a documentary confirmation of the cooperation of the OUN with Nazi Germany.¹³

In August 2016, the Committee on the Elimination of Racial Discrimination (CERD) was concerned at reports in Ukraine of a rise in racist hate speech and discriminatory statements in the public discourse, including by public and political figures and in the media, in particular on the Internet and during rallies, directed mainly against minorities.¹⁴

After the coup d'état in February 2014 and the coming to power of nationalist forces in Ukraine, the Ukrainian authorities took the course towards historical revisionism and glorification of Nazi collaborators.

The main role in this process is assigned to the Ukrainian Institute of National Remembrance directed by Volodymyr Viatrovykh who is known for his Russophobic and nationalistic views (worked in several areas, including the promotion of legislative initiatives to glorify Nazi accomplices and immortalize the memory of the participants of the Ukrainian "liberation movement"), the publication of relevant "patriotic" literature, and methodological recommendations for secondary and higher education institutions, as well as for the holding of various activities with the participation of veterans of the Ukrainian Insurgent Army (UIA), local "pro-Bandera" historians, etc.

When the leadership of the UINR changed (Anton Drobovykh became a new director of the Institute in December 2019), the policy of the historical revisionism has not undergone significant changes. It seems that the new government is trying to preserve the ideological continuity in the work of this institution.

¹³ "Characteristic Duality: How the Cult of Bandera and the Condemnation of Nazism Coexist in Ukraine." *RT*. June 27, 2020. Available at <https://russian.rt.com/ussr/article/759046-ukraina-herson-bandera>

¹⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the twenty-second and twenty-third periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

Such apologists of Ukrainian nationalism as Symon Petliura, Yevhen Konovalets, Stepan Bandera, Roman Shukhevych, Yaroslav Stetsko, Andriy Melnik, etc. are persistently imposed on the society as moral guidelines.

Thus, in early 2017, the Institute announced its propaganda project titled "UIA: a Response of the Unconquered People" dedicated to the 75th anniversary of this formation's founding. The UINR leadership described it as an anti-Nazi entity, even though over 70 percent of the UIA officers consisted of former Nazi accomplices – fighters of collaborationist units, and its command was part of the Nazi auxiliary police Schutzmannschaft (rifle team) until 1943. Moreover, the UINR released a board game heroizing members of the Bandera underground for propaganda purposes.¹⁵ In July 2019, the Ministry of Education of Ukraine recommended to use this game in schools.¹⁶

The UINR reproduces "insurgent decorations," which are awarded to "members of the Ukrainian liberation movement" and relatives of deceased "liberators." For example, in December 2017, in the city of Lutsk, servicemen of the German auxiliary police (Hilfspolizei) who participated in mass shootings of Jews were posthumously awarded Military Crosses of OUN-UIA Knights at the initiative of the UINR.¹⁷ On February 1, 2019, in Lviv Oblast, a 92-year-old UIA member was decorated with an Order for Merit to the Ukrainian People.¹⁸

The UINR has also organized in the Verkhovna Rada of Ukraine an exhibition *The Ukrainian Army: 1917-1921* dedicated to a series of events that,

¹⁵ "A Table Game about the Fight Carried out by the UIA is Developed in Ukraine." *Ukrinform*. September 29, 2018. Available at <https://ukrinform.ru/rubric-culture/2548034-v-ukraine-razrabotali-nastolnuu-igru-o-borbe-upa.html>

¹⁶ *Golos Pravdy* media outlet. Blog by Eduard Dolinsky. July 17, 2019. Available at <https://golospravdy.eu/eduard-dolinskij-ministerstvo-obrazovaniya-rekomendovalo-lozh-falsifikacii/>, "Board Game where Bandera and Shukhevych are Portrayed as Heroes Promoted among Children." *Strana.UA*. July 17, 2019. Available at <https://strana.ua/opinions/212015-sredi-detej-prodvihajut-nastolnuju-igru-s-heroicheskimi-banderoy-i-shukhevichem.html>

¹⁷ "Perpetrators of Mass Shooting of Jews Decorated in Volhynia." *Glavred*. December 16, 2017. Available at <https://glavred.info/life/476032-na-volyni-nagradili-uchastnikov-massovyh-rasstrelov-evreev.html>

¹⁸ "92-Year-Old UIA Fighter from Sambir Region Decorated with the Order of Chornovil." Web portal of the city of Lviv. portal.lviv.ua. February 2, 2019. Available at <https://portal.lviv.ua/news/2019/02/02/92-richnogo-voyina-upa-zi-sambirshhini-nagorodili-ordenom-imeni-chornovola>

in line with the official Ukrainian historiography, are interpreted as the fight of the people for political self-determination and the formation of statehood.

On the eve of May 9, 2020, the new head of the UINR Anton Drobovych recorded a video on the occasion of the Day of Remembrance and Reconciliation celebrated on May 8¹⁹ and the 75th anniversary of Victory over Nazism. Apart from the usual attempts of current Ukrainian authorities to present Ukrainian collaborators as fighters against Nazism, notwithstanding undeniable evidence of their cooperation, the head of the UINR essentially equaled the Day of Remembrance and Reconciliation to the Day of Victory over Nazism in World War II and proclaimed that they "do not symbolize the triumph of the victors over the vanquished."²⁰

Ukrainian textbooks are also modified to reflect the official interpretation of history. History is being rid of facts evidencing that Ukrainian nationalists collaborated with the Nazis. For example, the Ministry of Education and Science requested to recall history textbooks for grades 10 and 11 that contained information on the cooperation of UIA commander Roman Shukhevych, as well as the Roland and Nachtigall battalions, with the Nazi Army during World War II.

A survey carried out by the Democratic Initiatives Foundation in spring 2020 showed that this policy is beginning to impact a significant part of Ukrainians. Its results demonstrate that the vast majority of Ukrainians (52 percent) celebrate the Victory of the Soviet People in World War II on May 9. At the same time, 56 percent of respondents agree that both the Nazi Germany and the USSR were responsible for triggering the most deadly conflict

¹⁹ The Day of Remembrance and Reconciliation (May 8) became a public holiday in Ukraine in 2015. Former president Petro Poroshenko introduced it to "pay due tribute to the great feat of the Ukrainian people, its extraordinary contribution to the victory of the anti-Hitler coalition in World War II, and pay respect to all fighters against Nazism," attempting through this to treat the same way Red Army men and Stepan Bandera's followers, many of whom served in the SS and other voluntary auxiliary Nazi subunits.

²⁰ "Ukraine Welcomes Victory Day with Schizophrenic View on History." [RuBaltic.ru](https://www.rubaltic.ru/article/politika-i-obshchestvo/08052020-ukraina-vstrechaet-den-pobedy-istoricheskoy-shizofreniey/), May 8, 2020. Available at <https://www.rubaltic.ru/article/politika-i-obshchestvo/08052020-ukraina-vstrechaet-den-pobedy-istoricheskoy-shizofreniey/>

in the history of humankind. It is remarkable that only 32.2 percent of respondents chose the option that the war was World War II, not the Great Patriotic War, and that it was the anti-Hitler coalition that won. Almost 40 percent of respondents maintain the status quo, treating both the Victory Day and the Day of Remembrance and Reconciliation as public holidays.²¹

In fact, the Ukrainian authorities engage right-wing extremist and ultranationalist groups and organizations in the "patriotic education" of young people, with certain groups receiving state support. There have been children's summer camps and festivals dedicated to Ukrainian Nazi accomplices and war criminals. As a rule, they get financial support from the Ukrainian State through the Ministry of Youth and Sports and local administrations. Thus, in 2018, the All-Ukrainian Union Svoboda and the C14 organization received state grants of over one million hryvnias for projects "aimed at teaching young people patriotic values." In 2019, state funding was provided for the Khorunzhiy youth military and patriotic camp named after collaborationist Taras Borovets, and several other similar projects. In the summer of 2019, the Bandershtat festival was held in Lutsk, a festival in honor of Dmytro Dontsov, an ideologist of Ukrainian nationalism, in Melitopol, and the Taras Borovets Trails festival in Olevska.

In December 2019, the Verkhovna Rada of Ukraine adopted the Law on the Recognition of the Plast Movement and the Particularities of State Support for the Plast and Scout Movements. Essentially, this document laid the foundation for the State to take under its wing an association similar to the infamous Hitler Youth, where young people undergo deliberate ideological indoctrination. To understand what this indoctrination can lead to, it suffices to

²¹ "Victory Day and its Place in the Historical Memory of Ukrainians." Democratic Initiatives Foundation. May 5, 2020. Available at <https://dif.org.ua/article/den-peremogi-i-yogo-mistse-v-istorichniy-pamyati-ukraintsiiv>

recall that almost all UIA commanders (Stepan Bandera, Roman Shukhevych, Vasyl Kuk) were at some point members of the Plast.²²

Furthermore, in December 2019, the Ministry of Culture, Youth, and Sports of Ukraine once again allocated 20,000,000 hryvnias of funding for several "military and patriotic" projects "for the upbringing of young people" in 2020, including 2,000,000 hryvnias – to the Plast scouting organization, which openly proclaims that it inherited its structure from Bandera's organization (of them 770,000 hryvnias for financial support of its military and patriotic camps, 450,000 hryvnias for the organization of an all-Ukrainian game, 500,000 hryvnias for the organization of a cultural identity celebration Plast Member Day); 440,000 hryvnias for the Bandershtat festival of the Ukrainian spirit, allegedly of a "belief-related and patriotic" nature; 350,000 hryvnias to the Youth Nationalist Congress for propaganda of ideas of Ukrainian nationalism as part of Camping Season 2020 that is to culminate in Gurby-Antonovtsy military game dedicated to a battle between the UIA and the NKVD in Ternopil Oblast; 485,000 hryvnias for the organization of Jura military and patriotic game (held nationally since 2015); 250,000 hryvnias to the Ukrainian Youth Association (supports rehabilitation of Symon Petliura, Stepan Bandera, Roman Shukhevych) for the organization of the Global Ukrainian Community conference, events dedicated to history (180,000 hryvnias), and Zagrada children's camps (95,000 hryvnias) whose participants visit UIA memorial sites; 300,000 hryvnias to hold a military history festival Under the Cover of Tryzub in Boyarka (Kyiv Oblast); 560,000 hryvnias to the Ukrainian Reserve Army for patriotic sport camps Unizh Smithy and Insurgent Heart for children of combatants fighting in the southeast of the country; 250,000 hryvnias to the All-Ukrainian Union of Military History Organizations for holding competitions at the premises of a military unit.

²² See <https://zakon.rada.gov.ua/laws/show/385-IX>; <https://news-front.info/2019/12/24/detyam-ukrainy-sluginaroda-pod-yolochku-podlozhili-plast/>

Moreover, in January 2020, the same Ministry of Culture, Youth, and Sports of Ukraine announced the winners of a competition of children and youth projects that would also receive State funding in 2020.²³ Nationalists are to receive 8,000,000 hryvnias (over 20,000,000 rubles). It is almost half of all the funding allocated by the Ministry to children and youth organizations.²⁴ Thus, the Plast organization is to receive 2,700,000 hryvnias to organize summer camps and hold thematic fora. The Youth Nationalist Congress will receive 400,000 hryvnias for cycles of training programs The Free People Course and The Young Bandera Supporter Course. The National Alliance is to receive 200,000 hryvnias for the all-Ukrainian field game Pobeda (held since 2006). The Education Assembly affiliated with the radical group C14 will receive 120,000 hryvnias for the project We are Proud of Ukrainians. Sokil Svobody, a youth wing of the All-Ukrainian Union Svoboda, will get 200,000 hryvnias to conduct Patriot Games in Ternopil Oblast. The State will also fund the Ukrainian People's Youth to hold an all-Ukrainian campaign The True History of Ukraine and a social advertising festival. At the same time, many of these organizations or their affiliated structures already receive public funding for national patriotic education, as well as direct financing from State and local budgets for their activities.²⁵

The fact that Kyiv has been providing financial support to radical nationalists at the expense of the State has not been left unnoticed. In July 2019, the Ukrainian Government was accused of secretly funding ultra-right extremist groups under the guise of financing educational programs. According to Bellingcat, the government has been allocating resources under a program for

²³ See http://www.dsmsu.gov.ua/media/2019/12/27/1/Rishennya_26.PDF

²⁴ " 'A Very Dangerous Game': How Ukraine Funds Youth Programs of Nationalist Organizations." *RT*. January 30, 2020. Available at <https://russian.rt.com/ussr/article/713423-ukraina-nacionalisty-deti-vospitanie-granty>

²⁵ "Ministry of Culture Allocated Half the Budget for Youth Organizations to Nationalists." *Strana.UA*. January 29, 2020. Available at <https://strana.ua/news/247099-natsionalisty-poluchili-ot-minkulta-pochti-polovinu-bjudzheta-na-molodezhnye-orhanizatsii.html>

"national patriotic education" of young people. It was noted in the investigation that grants of that kind were used to increase the influence of nationalists and attract new supporters.²⁶

In March 2020, it became known that in 2018 acting minister of education of Ukraine Lyubomyra Mandziy, holding the office of the head of the department of education of Lviv Oblast administration, was among the organizers of a drawing contest for schoolchildren dedicated to the SS Galicia division and Ukrainian volunteers in its ranks. The task was to draw "an SS man or the meeting of Reichsführer Heinrich Himmler with members of the division." The award ceremony was planned for April 28, 2020 together with a march dedicated to the 75th anniversary of the creation of the Waffen-SS division. Apart from the drawing contest and the march, a weapon exhibition was also organized. After the public outcry, Lyubomyra Mandziy tried to refuse anything to do with the event in her comments to journalists, stating that the department of education "only informs schools about the contest".²⁷

Radical nationalists actively employ violence and intimidation techniques against political opponents. An example is the high-profile attack on the night of June 24, 2020 in Kharkiv of National Corps activists (closely related to the so-called Azov Civil Corps) on a supporter of the Party of Shariy. Anatoly Shariy himself believes that it was a murder attempt planned by radical nationalists with the assistance of the authorities.²⁸ Earlier, the head of the Party of Shariy branch in Zhytomyr was brutally beat up.²⁹ Moreover, the leader of the

²⁶ "Ministry of Culture of Ukraine Gave Nationalists Half Budget for Youth Work." *Ukraina.ru*, January 30, 2020. Available at <https://ukraina.ru/news/20200130/1026509598.html>

²⁷ "Acting Minister of Education Mandziy Organized Contest in Honor of SS Galicia Division in Lviv." *Strana.UA*, March 27, 2020. Available at <https://strana.ua/news/257560-io-ministra-obrazovanija-mandzij-orhanizovyvala-vo-lvove-konkurs-v-chest-divizii-ss-halichina.html>

²⁸ "In Kharkiv, Radical Nationalists Beat Supporter of Anatoly Shariy to within Inch of His Life." *EADaily*. June 25, 2020. Available at <https://easily.com/ru/news/2020/06/25/v-harkove-radikaly-do-polusmert-izbili-storonnika-anatoliya-shariya>

²⁹ "In Zhytomyr, Radical Nationalists Beat up Local Party of Shariy Leader." *EADaily*. June 23, 2020. Available at <https://easily.com/ru/news/2020/06/23/v-zhitomire-radikaly-izbili-mestnogo-rukovoditelya-partii-shariya-video>

National Corps Andriy Biletsky said on his Telegram channel that he was going to take care of Party of Shariy activists and "get this trash off the streets."³⁰

In the context of rehabilitation of the Nazis and their accomplices, attempts are being made to demonize Soviet Army soldiers right up to blaming them for crimes committed by the Hitlerites. An example of such insinuations is the interpretation of the tragedy that took place in March 1943 in Koriukivka settlement, Chernihiv Oblast, where the Nazis carried out a punitive operation killing almost the entire local population. Media reports dedicated to the 75th anniversary of the massacre presented the event to make it seem that civilians had been killed because of partisans who allegedly provoked the Nazis into atrocities. One of the recent examples is the statement made by Volodymyr Zelensky in the course of his visit to Poland in January 2020. Among other things, Zelensky stated that the Soviet Union was responsible for triggering World War II,³¹ and in February 2020 the then minister of foreign affairs Vadym Prystaiko announced that Ukraine would not celebrate May 9.³²

Pursuant to resolutions of the Verkhovna Rada of Ukraine, birthdays of Ukrainian Nazi accomplices are regularly entered into the calendar of memorable dates. Thus, in January 2019, the birthday of the leader of the nationalist organization OUN Stepan Bandera was celebrated at the State level based on the resolution of the Verkhovna Rada of Ukraine on the Celebration of Memorable Dates and Anniversaries in 2019 of December 18, 2018. 2019 was declared the year of Stepan Bandera and the Organization of Ukrainian Nationalists. Bandera Readings are held regularly: this forum was held for the

³⁰ " 'Get This Trash Off the Streets': Radical Nationalist Biletsky Threatens Shariy and his Supporters." *Klymenko Time*. June 2020. Available at <https://klymenko-time.com/obshchestvo/ubrat-musor-s-ulicz-radikal-bileczkij-vydal-ugrozu-shariyu-i-ego-lyudyam/>

³¹ "Zelensky Accused Soviet Union of Triggering World War II." *RIA Novosti*. January 28, 2020. Available at <https://ria.ru/20200128/1563949212.html>

³² " 'Just Declare it a Day of Mourning Already, Suit Yourself.' Why Prystaiko Urged to not Celebrate May 9." *Strana.UA*. March 1, 2020. Available at <https://strana.ua/news/252459-pristajko-i-den-pobedy-pochemu-hlava-mid-ne-khochet-prazdnovat-9-maja.html>

sixth time in the Kyiv City Council on February 1, 2019,³³ the seventh readings were held in 2020 under the auspices of the mayor of Kyiv. Similar events in honor of the SS Galicia Division are regularly held in Western Ukraine on April 28.³⁴

On December 3, 2019, by the Verkhovna Rada resolution No. 2364, the anniversaries of such Nazi collaborationists as Volodymyr Kubiiovich (an active supporter of the cooperation with Germans, the initiator of the formation of the SS Galicia Division), Ivan Poltavets-Ostryanitsa (the head of the UNAKOR – the Ukrainian National Cossack Rukh, which included auxiliary police units participating in the mass killings of Jews in Volyn, Zhytomyr, Vinnytsia, and Bila Tserkva), Vasyl Levkovich (a member of the Ukrainian auxiliary police in Dubno, then – the commander of the UIA' Bug Military District convicted by the Military Tribunal of the Ministry of Internal Affairs of the Kyiv Oblast in 1947), Ulas Samchuk (OUN activist, the editor-in-chief of the *Volyn* pro-Nazi newspaper in Rivne who published anti-Semitic articles calling for the extermination of Jews), Vasyl Sidor (OUN and UIA member, the commander of a *sotnia* of the Nachtigall battalion, which participated in punitive operations; after the war until the liquidation in 1949, he actively participated in underground activities and held the position of the UIA chief commander), Andriy Melnik (the head of the OUN board, the head of the Ukrainian National Rada in Kyiv during the war, the organizer of the Ukrainian auxiliary police units, and the organizer of mass killings of Jews), Kirilo Osmak (a member of the OUN (Stepan Bandera wing), one of the leaders of the Ukrainian National Rada in Kyiv under the leadership of Andriy Melnik),

³³ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

³⁴ "March in Honor of 75th Anniversary of the Galicia Division Held in Lviv." *LB.ua*. April 28, 2018. Available at https://lb.ua/news/2018/04/28/396506_lvove_proveli_marsh_chest.html; "March in Honor of SS Galicia Division Held in Lviv." *Strana.UA*. April 28, 2018. Available at <https://strana.ua/news/138571-vo-lvove-proshel-marsh-v-chest-divizii-ss-halichina-vjatrovich-vozmushchen-.html>

Oleksandr Vyshnivsky (one of the organizers of the SS Galicia Division), Yaroslav Starukh (a member of the OUN board, the organizer of the Jewish pogroms), Vasyl Galasa (one of the leaders of the OUN, who led the OUN underground network in Western Ukraine, the organizer of the Jewish pogroms in the Ternopil Oblast and the massacres of Poles), as well as nationalists, in particular Maksym Zheleznyak (the leader of the Koliv Oblast, who was involved in the massacre of Jews in Uman in the 18th century) were included in the calendar of memorable dates and anniversaries of 2020. At the same time, in a number of cases, these persons are simply referred to as public figures (such as, for example, the "historian and geographer" Volodymyr Kubiyovich, the "political and military leader" Yaroslav Starukh, and the "writer, publicist, and journalist" Ulas Samchuk) without reference to their connection with nationalists. Public funding is allocated for holding commemorative events in honor of these "figures." The Ministry of education has to hold lessons and educational sessions. Commemorative coins and stamps in honor of these persons are also to be issued.

In connection with this Verkhovna Rada resolution, Joel Lion, Israeli Ambassador to Ukraine, protested on December 6, 2019, noting that "honoring those who voluntarily decided to cooperate with the Nazi regime – for whatever reason – is an insult to the memory of six million Jews exterminated by Nazis."³⁵

Thereafter, on February 27, 2020, the Kyiv City Council took a resolution – at the behest of Yury Sirotuk, deputy of the All-Ukrainian Union Svoboda – to celebrate commemorative events and anniversaries in honor of the same collaborators in Kyiv, namely Volodymyr Kubiyovych, Ivan Poltavets-Ostrianytsya, Vasyl Levkovych, Ulas Samchuk, Vasyl Sydor, Yury Lypa, Vasyl

³⁵ The Embassy of Israel in Ukraine expressed protest against the recommendation to honor Nazi accomplices. Website of the Israel Ministry of Foreign Affairs December 9, 2019. Available at <https://mfa.gov.il/MFARUS/ForeignRelations/Bilateral%20relations/EuroAsia/Ukraine/Pages/Israeli-Embassy-in-Ukraine-protests-against-recommendation-to-honor-Nazi-collaborators.aspx>

Galas, and Andriy Melnik.³⁶ This decision of the Kyiv City Council to commemorate the dates related to the figures associated with Nazism in Ukraine was suspended by the administrative court on a claim of Andriy Portnov, lawyer and public figure.³⁷ The Jewish Confederation of Ukraine supported this decision by publishing the statement: "The Jewish Confederation of Ukraine strongly supports this decision of the District Court of the Ukrainian capital and urges the Kyiv's authorities to additionally examine the background of the personalities, whose anniversaries are proposed to be celebrated on the Kyiv's territory by the Kyiv City Council in its decision of February 27, 2020."³⁸

The Ukrainian authorities continue to erect monuments and plaques in honor of the OUN-UIA fighters, as well as to dignify the former Nazis who are alive today. This is nothing but a flagrant insult of the memory of those who were killed by the Ukrainian collaborators. For example, in August 2016, a pedestal to Stepan Bandera and Roman Shukhevych was installed in the city of Cherkasy.³⁹

On January 21, 2018, a memorial plaque to Simon Petliura was solemnly unveiled in Kyiv at a street named after him. It is noteworthy that at the same time the Ukrainian President Petro Poroshenko was visiting Israel, where he attended the Yad Vashem memorial to the victims of the Holocaust.⁴⁰

³⁶ "Kyivans will Celebrate Anniversaries of Nazi Killers: Whose Surnames are Enlisted in the Resolution of the Kyiv City Council." *Strana.UA*, March 1, 2020. Available at <https://strana.ua/news/252473-kollaboranty-v-ukraine-khha-podderzhal-postanovlenie-o-pamjatnykh-datakh-i-jubilejakh.html>

³⁷ "Court Suspends the Decision of the Kyiv City Council to Celebrate Anniversaries of People Associated with Nazism, by Portnov." *Strana.UA*, March 12, 2020. Available at <https://strana.ua/news/254461-portnov-osporil-reshenie-Kyivskoho-horsoveta-o-prazdnovanii-natsistskikh-dat.html>

³⁸ "The Jewish Confederation of Ukraine Called on Kyiv to Cancel Decision on Celebration of Anniversaries of Nazi Accomplices." *Strana.UA*, March 16, 2020. Available at <https://strana.ua/news/255166-evrejskaja-konfederatsija-podderzhala-otmenu-reshenija-Kyivsoveta-o-prazdnovanii-jubileev-natsistov-.html>

³⁹ "Pedestal to Stepan Bandera and Roman Shukhevych is Installed in the City of Cherkasy." *Styler. RBC-Ukraine*. August 11, 2016. Available at <https://styler.rbc.ua/rus/zhizn/cherkassah-ustanovili-pamyatnik-bandere-shuhevichu-1470915581.html>

⁴⁰ See <https://isroe.co.il/vo-vremya-vizita-poroshenko-v-yad-vashem-v-Kyive-otkrylsya-pamyatnik-petlyure/>

In June 2018, the National Corps radicals established a memorial plaque to the UIA soldiers on the territory of the Monument of Glory in Lviv.⁴¹ In Zhytomir, local authorities decided to erect a monument to Stepan Bandera in the city center.⁴²

In 2018, a monument to Andriy Melnik, anti-Semite and collaborator, was opened in Ivano-Frankivsk at the junction of Andrey Melnikov Street and Andrey Sakharov Street.

In February 2019, a memorial plaque in honor of the captain of the SS Galicia Division Averkiy Goncharenko was installed in the urban-type village of Varva (Chernihiv Oblast).

On February 24, 2019, solemn events in memory of the UIA member Grigoriy Pereginyak were held in the Volyn Oblast with the participation of local authorities.

On March 18, 2019, in the urban-type settlement of Bogorodchany (Ivano-Frankivsk Oblast), local authorities unveiled a monument to Olex Khyments and Ivan Shimansky, members of the SS Nachtigall battalion, who participated in the murders of Jews during the Great Patriotic War.

On March 25, 2019, in Chernivtsi, activists of the Plast children's scout organization paid tribute to Petro Voinovsky, creator and commander of Bukovinsky Kuren (a unit in the OUN structure), who collaborated with Nazis and participated in the Jewish pogroms in Bukovina and the massacres of Jews in Babi Yar, Vinnitsa, and Zhytomyr.

On April 2, 2019, in Truskavets (Lviv Oblast), local authorities erected a monument in honor of the OUN member Roman Riznyak, who headed the

⁴¹ The National Corps moved the monument to the Ukrainian Insurgent Army in Lviv, which was erected at the place of a future petrol station by the members of the People's Movement of Ukraine. Lviv portal portal.lviv.ua. June 28, 2018. Available at <https://portal.lviv.ua/news/2018/06/28/u-lvovi-natskorporus-perenis-pam-yatnik-upa-yakiy-ruhivtsi-vstanovili-zamist-maybutnoyi-zapravki>

⁴² "Monument to Bandera is to be Erected in Zhytomir." *Ukraine.RU*. June 5, 2018. Available at <https://ukraina.ru/news/20180605/1020441368.html>

Ukrainian auxiliary police in Truskavets and was personally involved in the extermination of the Jewish population of the city in 1941.

On May 5, 2019, in the village of Nizhny Berezov (Ivano-Frankivsk Oblast), municipal authorities erected a monument to Mykola Arsenich, who headed the OUN security service and organized the Jewish pogroms in Western Ukraine in the summer of 1941 and participated in them, including in the Volyn massacre.

On May 22, 2019, a fresco with a portrait of Simon Petlyura was opened at the initiative of the Kyiv City Council at the Zoya Kosmodemyanskaya Street. A similar fresco was installed in the city of Kamenetz-Podolsky on July 31.

On May 23, 2019, another monument to Roman Shukhevich was unveiled near the city secondary school No. 2 in Ivano-Frankivsk. This provoked the resentment of the Polish and Israeli ambassadors, who addressed the Mayor of the city, condemning the memorialization of criminals.⁴³

In June 2019, the 75th anniversary of the establishment of the Ukrainian Liberation Council was celebrated at the State level. It is portrayed as the supreme body in the Ukrainian liberation struggle against both the USSR and Nazi Germany.

On July 29, 2019, a solemn reburial with military honors of the remains the SS Galicia Division members dedicated to the 75th anniversary of the division's defeat in the battle for Brody took place in the Zolochevsky district of the Lviv Oblast with the State support.

In June 2019, the novel *Petliura. Struggle* by Maksym Butchenko was presented in Kyiv, where this figure was described as a hero.

⁴³ "Poland and Israel are Outraged by the Unveiling of the Monument to the Leader of the Ukrainian Insurgent Army in Ukraine." *RIA Novosti*. June 3, 2019. Available at <https://ria.ru/20190603/1555214273.html>

On August 21, 2019, a monument to the OUN-UIA was unveiled in the presence of the Ambassador of Canada to Ukraine at the Jewish cemetery on the site of the demolished Holocaust victims memorial.

On August 28, 2019, the Shukhevych Cup youth sports competition dedicated to the UIA commander Roman Shukhevych was organized at the initiative of local authorities in Ternopil.⁴⁴

On January 29, 2020, a solemn funeral of Mykhailo Mumik, former punisher and member of the SS Galicia Division, was organized at the Walk of Fame in Ivano-Frankivsk. It was attended by regional officials and clergy. Many of those who attended this event were wearing Nazi uniform. Oleksandr Sych, the head of the regional council of the Ivano-Frankivsk Oblast, stated that the country needed "such patriotic and Ukrainian-minded soldiers carrying the spirit of history and identity."

In April 2020, a solemn ceremony of presenting an award, established by the Brotherhood of Soldiers of the SS Galicia Division, to its veteran Vasyl Nakonechny took place in the city of Kalush (Ivano-Frankivsk Oblast). Such awards have been given to all former SS members who are alive. While receiving the award, the 95-year-old member of the SS Division reflexively raised his arm for the Nazi salute. Earlier, in May 2018, he earned honorary citizenship of Kalush following the decision of the Kalush City Council.⁴⁵

In April 2020, a stamp and postcards exhibition dedicated to the SS Galicia Division was organized at the Lviv Central Post Office.⁴⁶

⁴⁴ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019

⁴⁵ "Veteran of the SS Galicia Division is Awarded in Kalush. During the Ceremony, He Got Emotional and Gave a Nazi Salute." *Strana.UA*. April 19, 2020. Available at <https://strana.ua/news/262422-v-kalushe-nahradili-veterana-divizii-ss-poluchaja-nahradu-tot-zihanul.html>

⁴⁶ "Stamp and Postcards Exhibition in honor of the SS Galicia Division is Opened at the Lviv Central Post Office." *Strana.UA*. April 16, 2020. Available at <https://strana.ua/news/261840-v-lvove-na-hlavpochtamte-ustroili-vystavku-marok-i-otkrytok-ss-halichina.html>

At the same time, monuments to the Soviet Army soldiers and the victims of the Second World War tragic events, including those related to the Holocaust, are regularly attacked by right-wing extremist and nationalist groups.⁴⁷ Generally, such cases are fixed by the Ukrainian law-enforcement forces and are listed in the single register of pretrial investigations: however, participants of this blasphemous actions are not held accountable.

In March 2017, in Odesa, activists of the Sokol right-wing extremist organization painted Nazi symbols on the obelisk in memory of the participants in the fights for Odesa and on the memorial stone in honor of Marshal Georgy Zhukov (the Nazi symbol Wolf's Hook, which was the emblem of the 2nd SS Panzer Division, was depicted).⁴⁸

In June and November 2017, radicals poured cement on the Eternal Flame in the park of Eternal Glory in Kyiv.⁴⁹

In April 2018, unidentified persons desecrated the monument of Grieving Mother and the monument to the victims of Nazism in the Poltava Oblast. The inscriptions "Heil Hitler" with a Nazi swastika were put on the slabs of the memorial.⁵⁰ At the same time, a monument to General Nikolai Vatutin was desecrated in Kyiv.⁵¹

In May 2018, offensive graffiti was painted on the monument to Soviet soldiers in Dnepropetrovsk.

⁴⁷ See, for example, the information material of the Ukrainian NGO Anti-Fascist Human Rights League: "Ukraine as a source of Neo-Nazism in Europe." Kyiv, 2018.

⁴⁸ "Young Members of the Svoboda Covered up Odesan Monuments with the Nazi Symbols." Information portal Timer-Odesa. March 1, 2017. Available at http://timer-odessa.net/news/molodie_svobodovtsi_izrisovali_odesskie_pamyatniki_natsistskoy_simvolikoy_813.html

⁴⁹ "Eternal Flame Poured again with Cement in Kyiv." *Gordon. GORDONUA.COM*. November 20, 2017. Available at <https://gordonua.com/news/localnews/v-Kyive-vechnyy-ogon-snova-zalili-cementom-218068.html>.

⁵⁰ "Vandals Desecrate the Monument of Grieving Mother in Poltava." *Tsensor.NET*. April 23, 2018. Available at https://censor.net.ua/photo_news/3062744/vandaly_oskvernili_pamyatnik_skorbyascheyi_materi_v_poltave_foo

⁵¹ "Communist Rats, on Your Knees!: Nationalists Attacked Vatutin in Kyiv on Friday 13." *Strana.UA* April 13, 2018. Available at <https://strana.ua/news/135522-s14-u-pamjatnika-vatutinu-v-Kyive-13042018-vse-podrobnosti.html>

In June and July 2018, members of the C14 extremist organization desecrated the grave of the Soviet intelligence officer Nikolai Kuznetsov and the monument to the fallen soldiers of the Red Army in Lviv.⁵²

In January 2019, authorities demolished the Monument of Glory in Lviv.⁵³

On June 2, 2019, the National Corps activists damaged the bust of Marshal Georgy Zhukov in Kharkiv.

On June 4, 2019, the memorial board to Georgy Zhukov was broken.

In June 2019, vandals desecrated the monument to Nikolai Vatutin in Poltava.

On September 5, 2019, the signs of hammer and sickle on the Mars Field were damaged in Lviv.

On September 15, 2019, vandals painted offensive graffiti at the Holocaust victims memorial in Mykolaiv Oblast.

In November 2019, vandals doused the monument to Georgy Zhukov with red paint in Kharkiv.⁵⁴

In February 2020, nationalists dismantled the memorial board with Georgy Zhukov's bas-relief from the wall of the student residence of the Odesa Mechnikov National University, where the Odesa Military District headquarters was located in the post-war years, which was headed by Georgy Zhukov in 1946-1948. This was the last bas-relief to the Soviet commander in the city.⁵⁵

⁵² "Grave of the Soviet Intelligence Officer was again Desecrated on the Lviv Glory Hill." *Strana.UA*. July 30, 2018. Available at <https://strana.ua/news/153635-vo-lvove-natsionalisty-s14-razrisovali-mohilu-sovetskoho-soldata-.html>

⁵³ "Monument of Glory in Lviv is Being Removed in Lviv." *Korrespondent.NET*. January 23, 2019. Available at <https://korrespondent.net/city/lvov/4056941-vo-lvove-prystuply-k-demontazhu-monumenta-slavy>

⁵⁴ "Vandals Doused the Monument to Georgy Zhukov with Red Paint in Kharkiv." *RIA Novosti*. November 20, 2019. Available at <https://ria.ru/20191120/1561154940.html>

⁵⁵ "The Last Bas-Relief to Marshal Zhukov is Dismantled in Odesa." *RIA Novosti*. February 4, 2020. Available at <https://ria.ru/20200204/1564239120.html>

In the same month, vandals desecrated the memorial commemorating the liberation of the city at the central square in Odesa on April 10;⁵⁶ in Kyiv, two young people desecrated the monument to Nikolay Vatutin by pouring bright green antiseptic liquid on it.⁵⁷

On May 19 and 20, 2020, two unidentified persons were pouring red paint on the monument to Georgy Zhukov two nights in a row in Kharkiv.⁵⁸

Nationalists in Ukraine carry out their mass actions with impunity. Every year on January 1 (the birthday of the OUN leader Stepan Bandera) and October 14 (the date of the UIA creation) radical nationalist groups the All-Ukrainian Union Svoboda, C14, Pravyi Sektor, the OUN, etc. hold torchlight processions in several cities in the country.⁵⁹ In the context of the regular torchlight processions held on January 1, 2020 in Kyiv, Lviv, Odesa, and Dnipropetrovsk in honor of Stepan Bandera, the press-secretary of the Ukrainian president Volodymyr Zelensky said that the events were in line with policy priorities to "restore and preserve the national memory."

Besides, various activities dedicated to the Great Patriotic War events are held. Thus, on June 22, 2019, on the anniversary of the attack on the Soviet Union by Nazi Germany, the neo-Nazi music festival Fortress Europe, participants of which chanted Nazi slogans, was held in Kyiv. At the same time, this event is not the only one neo-Nazi concert in Kyiv: in December of the same year, there was held the Asgardsrei festival organized by the Militant Zone label allegedly associated with Azov. In December 2019, tickets for the next Fortress Europe festival in 2020 went on sale online.

⁵⁶ "Vandals Desecrated Memorial to Commemorate the Liberation of Odesa." *RT*. February 22, 2020. Available at <https://russian.rt.com/ussr/news/721345-vandaly-oskvernili-memorial-odesa>

⁵⁷ "Bright Green Antiseptic Liquid Poured on Monument to General Vatutin in Kyiv." *RT*. February 10, 2020. Available at <https://russian.rt.com/ussr/news/716870-kyev-zelyonka-pamyatnik-vatutin>

⁵⁸ "Red Paint Poured on Monument to Zhukov Two Nights in a Row." *Interfax*. May 20, 2020. Available at <https://www.interfax.ru/world/709467>

⁵⁹ See, for example, "Nationalists Held a UIA March in the Center of Kyiv." *Censor. NET*. October 14, 2018. Available at https://censor.net.ua/news/3091361/natsionalisty_proveli_v_tsentre_kieva_marshall_upa_videofotoreportaj

On June 30, 2019, in Lviv, the United Nationalist Forces (comprises the National Corps, the All-Ukrainian Union Svoboda, and Pravyi Sektor) held a march dedicated to the "millennium of the Ukrainian State." The date of the march coincided with the anniversary of the adoption by Bandera's men of the Law on the Proclamation of the Ukrainian State in this city in 1941 and with the beginning of a large-scale anti-Jewish pogrom in the city also organized by Bandera's men.⁶⁰

Along with this, legislative prohibitions on the symbols of the Red Army and the USSR are introduced in Ukraine; veterans and anti-fascist activists are being prevented from holding commemorative events to celebrate Victory Day; authorities are persecuting NGOs that fight against the glorification of Nazism, neo-Nazism, and racism.

Nationalists and far-right radicals annually disrupt Great Patriotic War Victory Day celebrations and celebrations of other memorable dates. The Ukrainian authorities, as a rule, do not stop the illegal actions of such delinquents.

For example, in May 2017, in Kyiv, the leader of the nationalist organization OUN Nikolay Kokhanivsky announced on his social network page an event called Mortal Regiment, which was supposed to interfere with the campaign Immortal Regiment in Kyiv.⁶¹ In April 2018, nationalists attacked citizens who came to lay flowers at the monument to General Nikolay Vatutin in Kyiv.⁶² In November 2018, the Lviv City Council decided to stop funding the

⁶⁰ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

⁶¹ "OUN Threatens to Organize the Immortal Regiment Campaign in Kyiv on May 9." *Strana.UA*. May 3, 2017. Available at <https://strana.ua/news/68929--ne-dopustim-vatnogo-shabasha-9-maya-oun-grozit-sorvat-shestvie-v-kieve.html>

⁶² "Communist rats, on your knees! How Nationalists Attacked Vatutin in Kyiv on Friday 13." *Strana.UA*. April 13, 2018. Available at <https://strana.ua/news/135522-s14-u-pamjatnika-vatutinu-v-kieve-13042018-vse-podrobnosti.html>

local Council of Veterans of the Great Patriotic War.⁶³ As for the most recent examples, in 2018 and 2019, nationalists, wearing clothes with Nazi symbols, attacked the organizer of commemorative events and the director of the Institute of legal policy and social protection Elena Berezhnaya on Victory Day in Kyiv. At the same time, law enforcement officials did not respond to the radicals' actions and, instead, detained the victim.⁶⁴

In 2020, despite the restrictions introduced by the authorities due to the spread of the coronavirus infection, Ukrainian nationalists also conducted several blasphemous actions on Victory Day. In Odesa, nationalists disrupted the motor rally, put up fights, and interfered with the celebrations of the 75th Anniversary of the Victory. Radicals also marched holding portraits of the Nazi accomplices from the OUN – UIA, other similar organizations, and symbols of the SS Galicia Division.⁶⁵ In Lviv, young neo-Nazis organized a campaign on the Hill of Glory, they were showing Nazi symbols and playing a record designed to resemble messages of German occupiers while residents of the city were laying flowers at the graves of the fallen soldiers. The Ukrainian authorities did not respond to such actions of its citizens.⁶⁶

Besides, nationalists conduct blasphemous acts timing them to coincide with the dates of tragic events. In particular, radicals annually hold actions on the day of the tragedy in the Trade Unions House in Odesa. In 2018, in Odesa, radicals attacked the participants of an event in memory of the victims of the

⁶³ "Decision of the Lviv City Council to Stop Funding the Local Council of Veterans Seems to Have all Characteristics of a Political One." Human Rights Platform Uspishna Varta November 23, 2018. Available at <https://uspishna-varta.com/ru/opinions/reshenie-lvovskogo-gorsoveta-perekryt-finansirovanie-lvovskoj-organizacii-veteranov-imeet-vse-priznaki-politicheskogo#>

⁶⁴ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

⁶⁵ Mass media: "Radicals in Odesa Came with Portraits of Nazi Accomplices." *RIA Novosti* May 9, 2020. Available at <https://ria.ru/20200509/1571213659.html>

⁶⁶ "Permanent Representative of Russia Informed the OSCE about Rampant Nationalism in Ukraine on Victory Day." *TASS*. May 14, 2020. Available at <https://tass.ru/politika/8476375>

tragedy.⁶⁷ On May 2, 2019, on the day of the fifth anniversary of this tragedy, nationalists organized the Ukrainian Order March in the city center. The day after these events, flowers and memorial signs on Kulikovo field, brought by citizens in memory of the victims, were burnt. During the talk show *Govorit Veliky Lviv*, Iryna Farion, former deputy of the Verkhovna Rada and member of the All-Ukrainian Union Svoboda, approved the actions of the Ukrainian radicals that took place in Odesa on May 2, 2014, and considered it necessary "to tell children how to force separatists to go, in particular, to trade unions and how these separatists would voluntarily set themselves on fire."⁶⁸

The number of xenophobic manifestations and hate crimes in Ukraine has increased. Against a background of a massive campaign to glorify Ukrainian radical nationalists, participants, and organizers of the extermination of the Jewish population of Ukraine during World War II, there has been a significant increase in anti-Semitism manifestations.

Since 2014, human rights activists have recorded over 500 cases of vandalism against monuments and memorials in honor of soldiers who liberated Ukraine from the Nazis during the Great Patriotic War and civilians who were murdered, as well as the cases of desecration of synagogues, Jewish cemeteries, and memorials to the victims of the Holocaust.⁶⁹

On October 17, 2019, in Yavoriv, a town in the Lviv Oblast, the monument to the victims of the Holocaust was damaged and the memorial was desecrated.⁷⁰

⁶⁷ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

⁶⁸ "Farion Wants to Tell Children How to Burn Residents of Odesa." *Politnavigator*. May 8, 2020. Available at <https://www.politnavigator.net/farion-khochet-rasskazyvat-shkolnikam-kak-szhigat-odessitov.html>

⁶⁹ Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

⁷⁰ "Monument to Victims of Holocaust Desecrated in Lviv Oblast." *STMEGI*. November 20, 2019. Available at <https://stmegi.com/posts/74604/vo-lvovskoy-oblasti-oskvernen-pamyatnik-zhertvam-kholokosta/>

On November 25, 2019, the monument to the Jewish writer Sholem Aleichem in Kyiv was painted with the swastika symbols.⁷¹

On January 1, 2020, radical nationalist organizations held Nazi-style torchlight processions with xenophobic slogans in various Ukrainian cities. In several municipalities, including in Kyiv, they were held with the support of local authorities.⁷²

On January 10, 2020, a group of 30 people attacked a group of pilgrims near the tomb of Rabbi Nachman in Uman Cherkasy Oblast.⁷³

On January 18, 2020, a memorial to commemorate 15,000 local Jews killed in Krivyi Rih during Holocaust was desecrated.⁷⁴

On February 11, 2020, the chief of the Jewish community in Kolomyia Yakov Zalitsker received a letter from the National police office in Ivano-Frankivsk Oblast demanding to provide the full list of all the residents of this nationality, including students, as well as their addresses and contact information. This is allegedly necessary to combat organized crime.⁷⁵ Ukrainian authorities that collaborated with the Nazis required the same from the Jewish community on the occupied territory in the first years of the Great Patriotic War.

Nationalist and neo-Nazi organizations disseminate their ideology on the Internet. This, in particular, is indicated by the report of the Human Rights Watch NGO posted on the information portal of the Kharkiv Human Rights

⁷¹ "Monument to Sholem Aleichem Desecrated in Kyiv." *Interfax* November 25, 2019. Available at <https://www.interfax.ru/world/685450>

⁷² "Torchlight Processions in Honor of Bandera Held in Kyiv." *Izvestya*. January 1, 2020. Available at <https://iz.ru/960761/2020-01-01/fakelnoe-shestvie-proveli-v-kieve-v-chest-bandery>

⁷³ "Mass Beatings of Jews Carried out near the Tomb of Rabbi Nachman in Ukraine." *Vesti*. January 12, 2020. Available at <https://www.vesti.ru/doc.html?id=3228595>

⁷⁴ "Unidentified Persons Desecrated a Memorial to the Victims of Holocaust in Krivyi Rih." *Vesti.ua*. January 19, 2020. Available at <https://vesti.ua/strana/neizvestnye-oskvernili-pamyatnik-zhertvam-holokosta-v-krivom-roge>

⁷⁵ "Order of Ukrainian National Police on Census of Jews Found on the Internet." *Lenta.ru* May 13, 2020. Available at https://lenta.ru/news/2020/05/13/perepis_jude/

Group⁷⁶ which notes the impunity of local radicals spreading the idea of the superiority of Ukrainians over other nations.

Numerous cases of propaganda of interethnic and racial intolerance are recorded on the Internet. Moreover, there are certain information resources (<http://buntokratia.com>, <http://catars.is>, and <http://acrains.com>) where Ukrainian right-wing radical and nationalist organizations post publications of a racist and anti-Semitic nature.⁷⁷

According to a report of the United Jewish Community published on the JewishNews Internet portal in February 2019⁷⁸ official statistics on anti-Semitism manifestations do not correspond to the real situation. It is also worth mentioning that the document establishes a direct relationship between the growth of anti-Semitism cases and the government's policy of glorification of the Nazi accomplices.

Ultranationalist groups, in particular Pravyi Sektor, National Corps, and the All-Ukrainian Union Svoboda operate legally in Ukraine. These associations were represented in the country's Parliament by its leaders, Dmytro Yarosh, Andriy Biletsky, and Andriy Ilyenko. Moreover, there are examples where nationalists become members of executive authorities. One such striking example is the appointment of the former neo-Nazi activist and Azov fighter Vadim Troyan as deputy minister of internal affairs of Ukraine on February 8, 2017.⁷⁹

Nationalists from the All-Ukrainian Union Svoboda also have an impressive number of their members in local authorities. The leader of the

⁷⁶ "Human Rights Watch not Happy with Ukraine." Information portal of the Kharkiv Human Rights Group January 21, 2019. Available at <http://khpg.org/index.php?id=1548082939>

⁷⁷ "Ukrainian Nationalists Begin to Spread Out Across the Internet." *Strana.UA*. September 17, 2018. Available at <https://strana.ua/opinions/161506-ukrainskie-natsionalisty-nachali-raspolzatsja-po-seti.html>

⁷⁸ Report on Anti-Semitism in Ukraine for 2018. United Jewish Community of Ukraine. JewishNews Information portal. February 11, 2019. Available at <https://jewishnews.com.ua/community/otchet-po-antisemitizmu-obedinennoj-evrejskoj-obshhiny-ukrainyi-za-2018-god>

⁷⁹ "Azov Phenomenon. How Ukrainian Nationalists Became a Powerful Political Force." Information Group on Crimes against the Person (IGCP). Moscow, 2017.

extremist organization C14 Evhen Karas is a member of the Council of Public Monitoring in the National Anti-Corruption Bureau of Ukraine.⁸⁰

Since 2018, when the Kyiv City Council signed an agreement with the C14 group, this organization has been providing the City Watch to patrol the streets with the members mainly from C14 and youth wing of the All-Ukrainian Union Svoboda. This group is funded by the municipality. At least 3 of such patrols are registered in Kyiv and another 21 in other cities of the country.

⁸⁰ "C14 and NABU: Nazi control over Ukraine." *Ukraine.ru* May 31, 2018. Available at <https://ukraina.ru/exclusive/20180531/1020423731.html>

Restrictions on media activities (censorship, pressure, harassment of journalists)

A wide range of problems related to the functioning of the mass media is noted in Ukraine. The right to freedom of opinion and expression is severely restricted, the independent work of journalists is limited, and attempts to toughen censorship are made. The level of aggression towards the media workers remains high. There have been numerous cases of blocking the television channels unfavourable to Kyiv by right-wing radical activists. The level of pressure on the media by the Ukrainian authorities has reached the highest level since independence. It is noted that the Ukrainian security services interfere with the work of the media and the activities of public organizations speaking from points of view that contradict the official position.⁸¹

Despite the appeals of many human rights entities and mechanisms, there is still no tangible progress in the investigation of high-profile cases involving the deaths of journalists Oles Buzina and Pavel Sheremet.

It has been noted that the Ukrainian special services interfere with the work of the media and the activities of public organizations with standpoints alternative to the official position. A common means of pressure by the authorities is opening criminal cases against disagreeable journalists. For example, several criminal cases were launched against Igor Guzhva, the editor-in-chief of the largest Ukrainian Internet media Strana.UA who holds an independent position. Alexander Medinsky, Ukrainian journalist, owner of the Open Ukraine news agency, and former serviceman, was prosecuted. Several criminal cases were launched against the Strana.UA media outlet.⁸²

The offices of the news agencies Vesti Ukraina and RIA Novosti Ukraine

⁸¹ Monitoring of the situation with human rights in Ukraine for January 2018 – April 2019. Available at <https://forbiddentoforbid.org.ua/ru/monitoring-prav-cheloveka-konets-2018-nachalo-2019/>

⁸² Human rights monitoring in Ukraine in January 2018 – April 2019. Available at <https://forbiddentoforbid.org.ua/ru/monitoring-prav-cheloveka-konets-2018-nachalo-2019/>

were also searched several times (including the editor-in-chief of RIA Novosti Ukraine Kirill Vyshynsky prosecuted on treason charges), and independent journalists faced prosecution (Yury Lukashin and Vladimir Skachko). Journalists and bloggers were or are still being held in detention centers (as a rule) without the right to a bail, for example, Dmitri Vasilets⁸³ (placed under house arrest in 2018), Vasily Muravitsky⁸⁴ (put under 24-hour house arrest since 2018) and Pavel Volkov⁸⁵ (fully acquitted in March 2019).

Human rights defenders also note that there have been repeated cases of SSU officers giving journalists instructions on how to treat certain high-profile news in Ukraine. There is information that the Ukrainian executive bodies are also preparing sets of guidelines on such issues. For example, there are monthly rules of the Ukrainian presidential administration for journalists and bloggers with a "correct" reflection of the current situation and its necessary public coverage.⁸⁶

There are numerous cases of right-wing "activists" blocking TV channels unwanted by the authorities. Moreover, with the actual connivance of the authorities, there are attacks and other acts of aggression of nationalists on the offices of mass media speaking from positions alternative to the official point of view. Thus, the building of Inter TV channel, the building of OUR TV channel, the building of 112 TV channel, and the office of NewsOne TV channel were repeatedly subjected to threats, aggression, and attacks by radicals. As a rule, such incidents took place in connection with media events that involved participants from Russia or demonstration of material critical of the Kyiv

⁸³ "The Ukrainian Journalist, who Served More than Two Years in Jail, Told about the Terror of the Poroshenko Regime," *RIAFA.N.ru*, September 17, 2019. Available at <https://riafan.ru/1212680-otsidevshii-bolee-dvukh-let-ukrainskii-zhurnalist-rasskazal-o-terrore-rezhima-poroshenko>

⁸⁴ Uspishna Varta human rights platform. The case of Vasily Muravitsky. Available at <https://uspishna-varta.com/ru/pravozashhitnye-kejsy/delo-vasiliya-muravitskogo>

⁸⁵ "Political Prisoner Pavel Volkov Fully Acquitted in Ukraine." *Ukraina.ru*. March 27, 2019. Available at <https://ukraina.ru/news/20190327/1023114167.html>

⁸⁶ Human rights monitoring in Ukraine in January 2018 – April 2019. Available at <https://forbiddentoforbid.org.ua/ru/monitoring-prav-cheloveka-konets-2018-nachalo-2019/>

authorities (including a well-known film by American director Oliver Stone).

Moreover, human rights defenders point out that journalists are often harassed by Ukrainian nationalists precisely for covering their violent actions.

In 2019, the Office of the UN High Commissioner for Human Rights published the report titled "Civic space and fundamental freedoms ahead of the presidential, parliamentary and local elections in Ukraine in 2019–2020." According to the monitoring data, the country clearly has "a pattern of violent attacks and acts of intimidation" against media workers, civil society activists, political leaders, and lawyers.

In early November 2019, the Verkhovna Rada of Ukraine held a hearing on the security of media personnel. In particular, it was noted there that from 1993 to 2019 about 60 journalists were killed in the country. In 2019, more than 200 illegal actions against journalists were recorded (including threats, insults, unlawful obstruction of professional activity, use of force, as well as damage to equipment and communication facilities). 92 percent of such crimes remain uninvestigated or unpunished. Only one out of twelve cases reach the court; the punishment for the offenders is mainly limited to symbolic fines. It was also noted that journalists are afraid to publish sensitive materials that may be disliked by the persons appearing in them and provoke aggression and harassment on their part.

Against the background of the efforts of the Ukrainian authorities to put the law-abiding media sphere under their control, a resource that openly violates the right to privacy – the scandalous Myrotvorets website – is operating freely in the country. This resource publishes illegally collected personal data of persons whom the authors of the site call "separatists" or "enemies of Ukraine," including reporters, politicians and cultural figures with a point of view alternative to the official one, and even Russian diplomats. At present, this Internet resource is actively used by the Ukrainian security services, as well as radical nationalist structures, to exert psychological pressure on certain

individuals whom they accuse of "separatism and treason against their homeland." The most egregious case was the publication of personal data, including the address of journalist Oles Buzyna, after which he was killed. Moreover, several journalists announced the freezing of their bank accounts since they were included in that list.

Besides, information from the Myrotvorets website is used by the Ukrainian courts at all stages of court proceedings as the body of evidence. International human rights organizations, human rights defenders, and journalists strongly criticize the Myrotvorets. For instance, the Ukrainian human rights NGO Uspishna Varta noted that it found 101 court decisions in criminal proceedings, where the rationale listed the materials of the Myrotvorets website as the body of evidence.⁸⁷

In 2019, the Institute of Mass Information (IMI) recorded 243 cases of violations of freedom of expression (235 in 2018 and 281 in 2017). Of these, 172 concerned physical aggression against journalists, with one journalist dead. The Institute noted that the situation in the field of freedom of expression deteriorated in 2019.

At the same time, other public organizations indicate that the IMI underestimates the data. The Strana.UA outlet quotes the opinion of the head of the National Union of Journalists of Ukraine (NUJU) Sergiy Tomylenko. Since the IMI biasedly reflects the picture of pressure on the mass media, the NUJU has even introduced its own alternative "index of physical safety" – monitoring of attacks on journalists, conducted jointly with partner NGOs: Information Security NGO, Platform for Human Rights NGO, Academy of the Ukrainian Press and Regional Press Development Institute. For instance,

⁸⁷ Use of the Myrotvorets website in jurisprudence. Uspishna Varta human rights platform, January 22, 2019. Available at <https://uspishna-varta.com/ru/news/ispolzovaniye-materialov-sayta-mirotvorets-v-sudebnoy-praktike>

while in 2017 the NUJU recorded 90 cases of use of force, the IMI, according to the NUJU data, recorded 29 cases in the same period.⁸⁸

According to the latest data of the "index of physical safety of journalists of Ukraine," for the first five months of 2020 30 cases of attacks on media workers were recorded in Ukraine, four of them took place in May 2020.⁸⁹

In addition to the pressure of the Ukrainian authorities on mass media, the statute "On amendments to certain statutes of Ukraine as to the language of audiovisual (electronic) media" has been in full force since October 2018 (adopted in October 2017), according to which the share of broadcasts and films in Ukrainian on national channels shall be at least 75 percent, and on regional and local TV channels at least 50 percent.

Human rights defenders point out that this measure may prove to be ineffective: instead of the expected Ukrainianization of the media sphere, the application of the said law may lead to a change in the structure of consumption of information products in favor of Internet resources and reduce the market of traditional media (press and television), which will have to bear large financial costs for the production of content in the Ukrainian language and will incur losses due to this. That will strengthen the trend of reduction of Ukrainian-language newspapers observed in recent years in Ukraine and, more broadly, the trend of reduction of officially registered publications. For instance, from 2014 to 2018 the number of Ukrainian-language newspapers decreased by 13.5 percent and their circulation – by 23.8 percent. Overall, over the same period, the total number of publications by 2018 decreased by 20 percent (from 2,169 to 1,736) and the number of print-runs by 33 percent (from 2.7 to 1.8 billion). Taking into account the fact that media consumption is determined not by language but by the

⁸⁸ "Lawyers of Lawlessness: Who and How Helps the Authorities to Put Pressure on the Ukrainian Media." *Strana.UA*, March 21, 2018. Available at <https://strana.ua/articles/analysis/131050-detektor-media-i-imi-iskazhajut-sutuatsiju-so-svobodoj-slova-v-ukraine.html>

⁸⁹ "Beaten so They would not Film: Why Were the Journalists Attacked in May?" *NSJU.org*. June 5, 2020. Available at <http://nsju.org/novini/byly-shhob-ne-znimaly-za-shho-napadaly-na-zhurnalistiv-u-travni/>

quality of the media product, this will lead to a decrease in the production of quality content and, consequently, to a narrower audience. At the same time, according to the study of the Uspishna Varta human rights platform, Russian-language products significantly increased the ratings of watching TV channels that have such a component in their broadcasting. For example, on May 9, 2019, the Inter TV channel, which broadcasted a concert for Victory Day, became the leader of the Ukrainian TV broadcasting (in the category of the mass all-Ukrainian audience older than 18 years). The channel's share was 14.5 percent. A total of 12.2 million viewers watched the program in the country.⁹⁰

The spread of the new coronavirus infection contributed to a further deterioration of the situation in that field. Many cases of violations of journalists' rights were related to their coverage of self-isolation and quarantine, as well as other anti-epidemiological measures. Moreover, there were incidents when the fight against COVID-19 was used by local government bodies to hold separate sessions in closed format without the participation of the press or television.⁹¹

For instance, in Kharkiv, a journalist of the Informburo outlet was beaten by unknown persons; he was filming a report on the violation of quarantine restrictions imposed by the authorities of the country, namely, on the meetings of young people in the parking lot near the Nauchnaya metro station. After filming the story, he called the police to the scene for them to respond to the violations. After the law enforcement officers left, the journalist was beaten up, and his phone and backpack with his personal belongings were taken.

On May 7 in Zaporizhya, a man tried to interfere with the work of a journalist and operator of the NTN TV channel during the filming of a story

⁹⁰ Language issue and media in Ukraine. Uspishna Varta human rights platform. May 2019. Available at <https://storage.uspishna-vart.com/source/Media-and-language.pdf>

⁹¹ For more information about the impact of measures taken in connection with the pandemic on Ukraine's compliance with its human rights obligations, see the section on human rights violations in the context of the spread of coronavirus infection

about the Bakhchisarai market during the quarantine. He swore and tried to tear off respirators from the media workers.

In Lviv, there were attempts to push out of a hairdressing salon the correspondent and cameraman of the Pershyi Zahydneyi ("First Western") TV channel. They were also preparing a story about the violation of the imposed restrictions.

At the same time, on May 26 in Kyiv, a journalist of the Pryamyi ("Direct") TV channel was injured during the assault on the Ivan Honchar Museum by the State Investigation Bureau. After the door into the building was broken down, a scuffle broke out, during which representatives of the law enforcement agency hit the young woman several times in the chest and stomach, even though she was holding a microphone with the channel's logo and a badge was hanging on her neck.⁹²

Human rights organizations point out that the lack of accountability for past attacks worsens the situation. Examples include the brutal beating in Cherkasy of an investigative journalist Vadim Komarov, who was in a coma for a month and a half and died on June 20, 2019.⁹³ The UN Human Rights Monitoring Mission in Ukraine (HRMMU) also noted that the trial for the murder of Oles Buzyna, which lasted for more than three years, was constantly pressured by right-nationalist radical groups. As a result, the case, which had been tried by different courts, was effectively stopped and the trial actually had to restart from scratch after the judge in charge of the case recused himself in May 2019.⁹⁴ Another example given by the HRMMU is the case of Alexander Vlaschenko. On November 30, 2019, a journalist who worked for an Internet

⁹² "Beaten so They would not Film: Why Were the Journalists Attacked in May?" *NSJU.org*. June 5, 2020. Available at <http://nsju.org/novini/byly-shhob-ne-znimaly-za-shho-napadaly-na-zhurnalistiv-u-travni/>

⁹³ OHCHR report on the human rights situation in Ukraine. May 16 – August 15, 2019. Available at https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf; Amnesty International report: Human Rights in Eastern Europe and Central Asia. Review of 2019 <https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>

⁹⁴ Ukraine: justice pending for killings of journalists and activists. November 1, 2019. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/AttacksAgainstJournalists.aspx>

media outlet exposing corruption in Mykolaiv was attacked outside his home and beaten with the use of pepper spray. As of February 15, 2020, the police virtually made no progress in investigating the attack.⁹⁵

At the same time, on December 12, 2019, law enforcement agencies detained three suspects in the murder of a well-known journalist Pavel Sheremet, committed in 2016. According to the investigation, the organizer of the crime was a sergeant of the Ukrainian armed forces Andrei Antonenko, and the perpetrator was a children's doctor Yulia Kuzmenko. The case also involves a nurse, Yana Dugar.⁹⁶

Ukrainian nationalists often persecute journalists for covering their violent actions. With the actual connivance of the authorities, there are attacks and other acts of aggression by radicals against media offices.⁹⁷

For instance, on May 18 in Kyiv, Ukrainian nationalists organized a provocation in front of the office of a well-known journalist and blogger Dmitriy Gordon. The building was painted with foul expressions and chicken eggs were thrown at it. The reason was the interviews conducted by Dmitry Gordon with Igor Girkin (Strelkov), former leader of the militia in Donbas⁹⁸, and Natalia Poklonskaya, member of the State Duma of the Russian Federation. The journalist said that had been done as part of his cooperation with the SBU, but the Security Service of Ukraine disavowed that statement.⁹⁹

⁹⁵ OHCHR report on the human rights situation in Ukraine. November 16, 2019 – February 15, 2020. Available at <https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019.pdf>

⁹⁶ "Ukrainian Journalist Threatened in Court on Sheremet's Murder." *RIA Novosti*. December 24, 2019. Available at https://ria.ru/20191224/1562805139.html?rcmd_alg=svd

⁹⁷ For more details, see the section on the manifestations of neo-Nazism in Ukraine

⁹⁸ "Group of Radicals Attacked the Office of Journalist Gordon in Kyiv." *Regnum*. May 18, 2020. Available at <https://regnum.ru/news/accidents/2953749.html>

⁹⁹ "Gordon Explained that the Interview with Poklonskaya and Strelkov had been a Special Services Assignment." *RBC*. May 19, 2020. Available at <https://www.rbc.ru/politics/19/05/2020/5ec389289a7947ec57227d5c>; "The Prosecutor General's Office, after the SBU, Said it had Nothing to do with Gordon's Interview with Girkin." *Strana.UA*. May 19, 2020. Available at <https://strana.ua/news/268156-venediktova-zajavila-o-neprichastnosti-ofisa-heprokurora-k-intervju-hordona-s-hirkinym.html>

Cases of attacks on journalists also came to the attention of the OSCE Special Monitoring Mission (SMM). For instance, on January 19, 2020, the Mission indicated that on Mikhailovskaya Square in Kyiv, a group of 25 people who held a commemorative event on the anniversary of the killing of journalists was attacked by radical young people who threw eggs at the event participants in the presence of a large number of law enforcement officers.¹⁰⁰ In its reports, the SMM also referred to the crowded pickets near the Presidential Administration of Ukraine conducted by the national radicals from Svoboda, Detsukira, and the National Corps demanding to tighten the authorities' policy in Donbas on February 20 and March 17.¹⁰¹

On January 8, 2020, two hearings were held on the case of the killing of Pavel Sheremet in the Kyiv Court of Appeal. Journalists had to turn to law enforcement officers to ensure a safe exit from the court's premises.¹⁰²

Earlier, on December 24, 2019, the nationalists beat the correspondent of Sharij.net, threatened the journalist of Strana.UA Yulia Korzun, and hit the employee of the ZIK TV channel Alla Zhiznevskaya when she was shooting on the phone camera what was happening near the building of the Kyiv Court of Appeal, where a hearing on the killing of Pavel Sheremet was held.¹⁰³ This episode came to the attention of the HRMMU. In their report, representatives of

¹⁰⁰ SMM Daily Report of January 20, 2020. Available at <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/444334>

¹⁰¹ SMM Daily Report of February 22, 2020. Available at <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/446920>, SMM Daily Report of March 18, 2020. Available at <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/448792>

¹⁰² "Sharij Journalists were Taken out of the Court of Appeal under Police Escort: Details of the Scandal." *Dialog.UA*. January 9, 2020. Available at https://www.dialog.ua/ukraine/198593_1578549546

¹⁰³ "Beaten and Poured Urine: The Sharij.net Journalist was Beaten in the Trial of Sheremet." *Strana.UA*. December 24, 2019. Available at <https://strana.ua/news/241166-izbili-nohami-i-oblili-mochoj-na-sude-po-delu-sheremeta-izbili-zhurnalista-sharijnet.html>; Julia Korzun: "They Told me: You are Next after Kucher". *Strana.UA*. December 24, 2019. Available at <https://strana.ua/articles/reconstruction/241238-zhurnalistka-stranaua-julija-korzun-rasskazala-ob-uhrozakh-ot-radikalov.html>; "The NUJU Condemned Massive Attacks on Journalists at the Trial of Sheremet." *Strana.UA*. December 24, 2019. Available at <https://strana.ua/news/241196-v-nszhu-osuzhdajut-napadenija-na-zhurnalistov-na-sude-po-delu-sheremeta.html>

the Mission noted that law enforcement officers present at the scene were unable to take adequate measures to protect the journalist.¹⁰⁴

On June 11, 2020, supporters of the radical Sergei Sternenko, accused of the killing in Odesa in May 2018, chased away journalists working for the resources of blogger Anatoly Sharij from the SBU building, where the investigative actions took place. A video published on the Twitter social network shows that, in response to a journalist's question about the reasons for incorrect behavior towards her colleagues, the nationalists turn on a siren and, being close to the journalist, talk obscenities about Anatoly Sharij through a loudspeaker.¹⁰⁵ Besides, members of the Sternenko support group urged to attack the journalists of Strana.UA and ZIK, 112 and Newsone TV channels, as well as to spit in their faces.¹⁰⁶

The HRMMU also raised concerns about the government initiative to develop legislation to combat the spread of "disinformation" (the draft law on countering disinformation). If it is implemented, the freedom of speech will be at risk. In particular, the projected changes include increasing responsibility for disseminating false information (tightening administrative liability and introducing criminal liability) and depriving Internet users of anonymity. The OHCHR calls on the government to shift its focus to the targeted prevention of cyber-attacks and to the opposition to malicious automated accounts ("bot farms"), investing in raising the level of the population's media literacy and ensuring open access to information.¹⁰⁷

¹⁰⁴ OHCHR report on the human rights situation in Ukraine. November 16, 2019 – February 15, 2020. Available at <https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019.pdf>

¹⁰⁵ "Sternenko's Support Group Chased away Sharij Journalists from the SBU Building." *Strana.UA*. June 11, 2020. Available at <https://strana.ua/news/272646-storonniki-sternenko-prohnali-ot-zdaniya-sbu-storonnikov-sharija.html>

¹⁰⁶ "Under the SBU, Sternenko's Support Group Called for the Humiliation of Journalists." *Strana.UA*. June 11, 2020. Available at <https://strana.ua/news/272487-pod-zdaniem-sbu-hruppa-podderzhki-sternenko-prizyvaet-plevat-v-litso-zhurnalistam.html>

¹⁰⁷ OHCHR report on the human rights situation in Ukraine. November 16, 2019 – February 15, 2020. Available at <https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019.pdf>

Particular attention is paid to the pending draft law on media, which is to replace five media laws: Law on Television and Radio Broadcasting, Law on Press, Law on News Agencies, Law on the National Council of Television and Radio Broadcasting of Ukraine, and Law on the Procedure for Covering the Activities of Public Authorities and Local Authorities in Ukraine by the Media. The project aims to regulate the activities not only of the media, but also of any information providers. Some provisions of this draft legislation significantly impede the work of journalists, as well as strengthen the control of public authorities over media activities. Moreover, even the grant organizations traditionally loyal to the government drew attention to this.¹⁰⁸

The OSCE Representative on Freedom of the Media Harlem Désir paid attention to Ukrainian legislative initiatives in the field of media regulation. In a press release dated January 23, 2020, he emphasized that the initiative to counteract the dissemination of false information violates the freedom of the media sphere, as it involves excessive interference of government bodies in its activities.¹⁰⁹ In this connection, during his visit to Ukraine on February 4–7, 2020, Harlem Désir expressed concern about the possible criminal prosecution of those journalists who would be classified as "a disinformation" based on unclear criteria.¹¹⁰ On March 2, 2020, Harlem Désir's office published a legal analysis of the Ukrainian draft law on media¹¹¹ prepared by the Spanish expert on media freedom and state regulation of the media sphere Joan Barata Mir concerning its compliance with Kyiv's obligations in the field of ensuring

¹⁰⁸ "Websites will be Blocked in Two Days. The Draft Law on Media may be Passed on the Anniversary of Dictatorial Laws." *Strana.UA*. January 9, 2020. Available at <https://strana.ua/articles/analysis/242615-chto-oznachaet-zakonoproekt-o-media-kotoryj-budut-prinimat-na-sledujushchej>

¹⁰⁹ OSCE Media Freedom Representative concerned by several provisions of Ukraine's new draft law on disinformation. January 23, 2020. Available at <https://www.osce.org/representative-on-freedom-of-media/444673>

¹¹⁰ OSCE Media Freedom Representative concludes visit to Kyiv calling for more consultation on media law reforms to strengthen guarantees of media freedom. February 7, 2020. Available at <https://osce.org/representative-on-freedom-of-media/445699>

¹¹¹ OSCE Media Freedom Representative publishes a legal analysis of draft Ukrainian media law, with recommendations to authorities. March 2, 2020. Available at <https://osce.org/representative-on-freedom-of-media/447526>

media freedom (including article 10 of the ECHR, article 19 of the International Covenant on Civil and Political Rights, the 1990 CSCE Copenhagen Document, and the 2018 Milan Decision of the OSCE Ministerial Council on the Safety of Journalists; the jurisprudence of the European Court of Human Rights (ECHR), as well as the recommendations of the Committee of Ministers of the Council of Europe (CMCE) and the Parliamentary Assembly of the Council of Europe (PACE) were also analyzed). In most aspects, the expert gave a negative review. Ukraine is recommended to bring the draft legislation in line with "international standards, OSCE commitments and best practices in respecting freedom of speech and information in order to avoid its negative impact on media freedom in the country."

The Ukrainian authorities also do not abandon the practice of deporting foreign reporters. In 2018, several Russian journalists were banned from entering Ukraine, including RT correspondent Paula Slier as well as TV presenter and member of the Russian Union of Journalists Yevgeny Primakov, who were traveling to Kyiv to participate in the OSCE conference on strengthening media freedom and pluralism in Ukraine during times of conflict in and around the country.

In 2019, the Security Service of Ukraine banned the Austrian journalist Christian Vershuts, who worked as a chief of the ORF TV channel news office in Kyiv for more than four years, from entering the country for a year. He was also included in the database of "Kremlin agents"¹¹². Christian Vershuts covered the conflict in Donbas and made a series of reports from Crimea. The entry ban was lifted following a rather sharp reaction by the Austrian Ministry of Foreign Affairs to this ban, which was called an "unacceptable act of censorship in

¹¹² A site similar to Myrotvorets, but unlike the latter, it does not disclose personal data. It is supported by the Center for Army Research, Conversion and Disarmament.

Europe," and as a result of the journalist's lawsuit in the judicial court with the support of the famous lawyer Andriy Portnov.¹¹³

¹¹³ "The Increasing Restriction of Media Freedom: How an Austrian journalist was Listed as an Enemy of Ukraine." *Strana.UA*. January 2, 2019. Available at <https://strana.ua/articles/179071-pochemu-avstrijskoho-zhurnalista-zapisali-v-ahenty-kremlja.html>

Persecution of national minorities

Most persons belonging to ethnic or national minorities are at risk of discrimination and stigmatization in Ukraine. Extreme right organizations operating in the country, such as the Right Sector, the Azov Civil Corps and the Social-National Assembly, encourage the incitement to racial hatred and the spread of racist ideology.¹¹⁴ Numerous cases of the promotion of intolerance are recorded on the Internet. Nationalists post publications of a racist and anti-Semitic nature on specific information resources (such as <http://buntokratia.com>, <http://catars.is>, <http://acrains.com>).¹¹⁵ Manifestations of xenophobia are also common to law enforcement agencies. The practice of detentions, arrests, and identity checks on the basis of race and ethnicity remains widespread.

Ukrainian human rights organizations note a growth in cases of xenophobia and aggression against foreigners in law enforcement agencies. The practice of detentions, arrests, and identity checks on the basis of race and ethnicity remains widespread.

Stereotypes and prejudices against Roma also remain in Ukraine. There are frequent manifestations of aggression against representatives of this community, which end, among other things, with killings. Representatives of international human rights structures and mechanisms record the poor response of the Ukrainian judicial system to attacks by local nationalists on Roma settlements.¹¹⁶

For instance, the Committee on the Elimination of Racial Discrimination

¹¹⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

¹¹⁵ "Ukrainian Nationalists Began to Scuttle through the Net." *Strana.UA*. September 17, 2018. Available at <https://strana.ua/opinions/161506-ukrainskie-natsionalisty-nachali-raspolzatsja-po-seti.html>

¹¹⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

(CERD) noted with concern the discrimination in Ukraine, widespread stereotypes and prejudices against Roma, including those leading to physical attacks and killings of representatives of this community. The Committee was also concerned about racially motivated incidents and xenophobia experienced by refugees and asylum seekers in Ukraine.¹¹⁷

In April 2020, in its concluding remarks following the consideration of the seventh periodic report of Ukraine, the Committee on Economic, Social and Cultural Rights (CESCR) noted with concern that the relative level of impoverishment, which remains relatively stable in the country, has a negative impact on marginalized groups of the population, including Roma, Crimean Tatars, and migrant families.¹¹⁸

In addition to radical attacks on Roma settlements, which peaked in 2016-2018, especially in the west of the country, as well as in Kyiv, Ukrainian officials take part in the persecution of this national minority.

For instance, on March 9, 2020, Vladyslav Kryklii, who was then the Minister of Infrastructure of Ukraine, together with members of the C14 organization, the Gorodskaya Strazha entity and the Verkhovna Rada deputy from the Sluga Noroda party Roman Grishchuk launched a joint raid on the railway station in Kyiv under the pretext of combating "gypsy gangs." After the "inspection," the nationalists put up posters saying "You can be robbed by gypsies" with an English translation at the station. However, the text in English sounds quite harmless: "Beware of pickpockets."¹¹⁹

¹¹⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

¹¹⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights on the seventh periodic report of Ukraine. April 2020. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/UKR/CO/7&Lang=En

¹¹⁹ "Shook Hands with Far-Right Extremists: How Minister Kryklii and C14 Radicals were Looking for Gypsy Gangs at the Kyiv Station." *Strana.UA*. March 10, 2020. Available at <https://strana.ua/news/253941-kak-ministr-kriklij-i-natsionalisty-s14-iskali-tsyhan-na-vokzale-kieva.html>

Along with this, it becomes common that hateful statements of a racist nature and statements of a discriminatory nature directed mainly against minorities are made during public discussions, including in the speeches of public and political figures, in the media, in particular on the Internet, and during rallies.¹²⁰

On April 21, 2020, the Mayor of Ivano-Frankivsk and a member of the Svoboda Party Ruslan Martsinkiv instructed law enforcement officers to forcibly remove Roma people to Transcarpathia at a meeting, the record of which appeared on the Internet.¹²¹

Soon after, the public organization Community of Roma of Transcarpathia was formed in the village of Kholmok, Uzhgorod district. Its representatives appealed to the Ivano-Frankivsk City Court, demanding compensation for non-pecuniary damage for using the language of racist and ethnic hatred against the national minority. The amount of the lawsuit against the official amounted to 250,000 hryvnias.

Criminal proceedings against Ruslan Martsinkiv were initiated.¹²²

In May 2020, two more incidents were reported. In Izmail, Odesa Oblast, a group of thirty people attacked a house of a Roma family because of an earlier conflict that had occurred between the Roma and two participants in the attack. According to the media, a woman had previously been attacked by members of the minority, while local residents had provided assistance to her.¹²³

¹²⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

¹²¹ "Why weren't the Gypsies Packed? Why Avakov Opened a Case against the Mayor of Ivano-Frankivsk, but does not Disturb the Rioters in Kyiv." *Strana.UA*. April 23, 2020. Available at <https://strana.ua/news/263096-mer-ivano-frankovska-opolchilsja-na-tsyhan-politsija-zavela-delo-chto-proizoshlo.html>

¹²² "The Mayor of the Ukrainian City of Ivano-Frankivsk Accused of Racism." *Regnum*. May 14, 2020. Available at <https://regnum.ru/news/society/2949456.html>

¹²³ "In the South of Ukraine, Local People Attacked the House of a Roma Family." *Regnum*. May 9, 2020. Available at <https://regnum.ru/news/accidents/2944056.html>

In the Goloseevsky district of Kyiv, a Roma tent was burned down and its inhabitants were beaten up by unknown people.¹²⁴

Against the background of a mass campaign to glorify Ukrainian radical nationalists, participants, and organizers of the annihilation of the Jewish population of Ukraine during World War II, there is a significant increase in the manifestations of anti-Semitism.¹²⁵

Thus, on January 1, 2020, radical nationalist organizations held Nazi-style torch-lit marches in different cities of Ukraine accompanied by xenophobic slogans. In several municipalities, including Kyiv, they were held with the support of local authorities.¹²⁶

On January 10, 2020, a group of 30 people attacked a group of pilgrims near the grave of Rabbi Nachman in Uman, Cherkasy Oblast.¹²⁷

On January 18, 2020, vandals desecrated a memorial sign in memory of 15,000 local Jews who were killed during the Holocaust in Kryvyi Rih.¹²⁸

On February 11, 2020, Yakov Zalitsker, head of the Jewish community of the city of Kolomiya, received a letter on behalf of the Department of National Police of the Ivano-Frankivsk Oblast with the request to provide the Department with a complete list of all residents of this nationality, including students, their addresses and contact information. The demand was justified by the fight against organized crime.¹²⁹

¹²⁴ "Kyiv Police Saw a Video of a Roma Tent Being Burnt on the Internet and Started a Criminal Case." *Strana.UA*. May 3, 2020. Available at <https://strana.ua/news/265044-v-kieve-sozhhli-palatku-tsyhan-politsiya-ustanavlivaet-prichastnykh-k-prestupleniju.html>

¹²⁵ For more details about the falsification of the history of World War II in Ukraine, see the section on the manifestations of neo-Nazism.

¹²⁶ "A Torch Procession Held in Kyiv in honor of Bandera." *Izvestia*. January 1, 2020. Available at <https://iz.ru/960761/2020-01-01/fakelnoe-shestvie-proveli-v-kieve-v-chest-bandery>

¹²⁷ "A Mass Beating of Jews Organized at the Grave of Rabbi Nachman in Ukraine." *Vesti*. January 12, 2020. Available at <https://www.vesti.ru/doc.html?id=3228595>

¹²⁸ "Unknown People Desecrated a Monument to the Holocaust Victims in Kryvyi Rih." *Vesti.ua*. January 19, 2020. Available at <https://vesti.ua/strana/neizvestnye-oskvernili-pamyatnik-zhertvam-holokosta-v-krivom-roge>

¹²⁹ "An Order of the National Police of Ukraine about the Census of Jews Found on the Internet." *Lenta.ru*. May 13, 2020. Available at https://lenta.ru/news/2020/05/13/perepis_jude/

According to a survey conducted by the Anti-Defamation League, Ukraine ranks second in Europe in terms of the level of anti-Semitic attitudes. While in 2016 the level of intolerance towards Jews was 32 percent, in 2019 it rose to 46 percent.¹³⁰

A separate area of efforts of radical "activists" is countering the "propaganda of the Russian world."

For example, we can mention the incident that took place on January 30, 2020: radicals held a picket in front of the Trade Unions House where the opening ceremony of the annual international festival *Film Assembly on the Dnieper-2020*, organized by the *Lestvitsa* cultural center, was supposed to take place. The nationalists were outraged by the presence of film directors from Russia among the guests of the Festival.¹³¹

Discrimination against ethnic minorities is also underway in the areas of education and language. Thus, starting from September 2020, education in the country will be provided exclusively in the Ukrainian language. Only children in primary school and kindergarten will have the possibility to study in their native language, provided that they necessarily learn Ukrainian. Discriminatory provisions affecting the linguistic rights of millions of citizens of Ukraine – Russians, Bulgarians, Hungarians, Greeks, Poles, Romanians, and speakers of other languages – are contained in the Law of Ukraine on Education adopted in September 2017. In accordance with the Law on Complete General Secondary Education signed by the President of Ukraine on March 13, 2020, the Russian language in Ukraine finds itself in a discriminatory position towards both the Ukrainian language and the languages of the EU countries and indigenous peoples. For children of Russian-speaking nationalities – Russians,

¹³⁰ "Survey: About 1 in 4 Europeans Hold anti-Semitic Beliefs." *Associated Press*. November 21, 2019. Available at <https://apnews.com/f18c9fa70b794974b214b6e9f1552cfd>

¹³¹ "In Dnipro, Radicals Disrupted the Opening of the Film Festival in which Russian Directors were to Participate." *Vesti*. January 31, 2020. Available at <https://vesti.ua/lite/criminal/v-dnepre-radikaly-sorvali-otkrytie-kinofestivalya-s-rossijskimi-rezhisserami>

Belarussians, Armenians, Jews, Greeks, and Ukrainians – the adoption of this law means the infringement of their right to education in their native language which is guaranteed by article 53 of the Constitution of Ukraine.¹³²

The interests of ethnic minorities are also threatened by the ongoing administrative reforms in the country. Thus, the plans to divide the Bolgrad district of the Odesa oblast which is compactly populated by ethnic Bulgarians into five parts caused a wave of criticism in the National Assembly of Bulgaria. The representative body adopted a declaration against this administrative division plan. According to the deputies, this will damage the integrity of the Bulgarian society.¹³³

Human rights defenders have recorded dozens of cases of intolerance and/or aggression in Ukraine against persons belonging to minorities or holding alternative political views. They are particularly concerned about the illegal actions of members of radical nationalist organizations (the C14 group, Right Sector, Traditions and Order, National Corps, National Squads, the OUN, and others). Their violent actions are practically ignored by law enforcement agencies. The right-wing radicals themselves do not hide the fact that they closely coordinate their activities with the SSU and MIA of Ukraine.

CERD in August 2016 noted with concern racially motivated incidents and hate crimes, including physical attacks against individuals based on their ethnic origin, that took place in the country (in particular, the Committee noted with concern cases of Africans and Indians being denied access to certain public places in Uzhgorod, such as the local water park, due to their skin color). Furthermore, CERD experts expressed concern that Ukraine does not always have proper and effective investigations into racially motivated crimes, and that

¹³² For more detailed information about the situation with the observance of language and educational rights of ethnic minorities in Ukraine, see the section on discrimination against ethnic minorities in the area of education and the use of their language.

¹³³ "Bulgaria Opposes the Division of the Bolgrad District in Ukraine." *RIA Novosti*. May 20, 2020. Available at <https://ria.ru/20200520/1571757848.html>

perpetrators are not brought to justice. The Committee also noted the low number of cases related to hate crimes brought before national courts. What is more, CERD indicated that radical right-wing organizations such as the Right Sector, the Azov Civil Corps and the Social National Assembly encourage incitement to racial hatred and propaganda of racist ideology. It also noted that such organizations were responsible for racially motivated violence against members of minority groups, which often went unpunished. It was noted that national minorities had very limited access to justice to protect them from discrimination.¹³⁴

Moreover, the concerns of the Committee experts on this matter remain. The explanations provided by Ukraine on the implementation of the CERD concluding observations turned out to be insufficient for the Committee, and in a subsequent letter dated December 18, 2017, it called on the Ukrainian authorities to ensure the full and effective implementation of the provisions of its legislation related to countering organizations that promote racism and racial hatred, and to provide detailed information in the next CERD report on the progress in the investigation and prosecution of such structures.¹³⁵

¹³⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

¹³⁵ The subsequent letter of the Committee on the Elimination of Racial Discrimination dated December 18, 2017. CERD/94th session/FU/AR/ks. Available at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/UKR/INT_CERD_FUL_UKR_29721_E.pdf

Discrimination of national minorities in the area of education and the use of their language

An integral part of the official Kyiv's policy towards national minorities – forced Ukrainization – is discrimination against a significant part of the population on the basis of language, including major violations of the rights of the Russian-speaking community.

Since 2017, the country's legislation has consistently banned the use of any language other than Ukrainian in the public sector, education, and the media.

In September 2017, the Law on Education was adopted, according to which education in Ukrainian educational institutions will be provided only in the state language starting from 2020. Education in minority languages is permitted in pre-school institutions and primary schools. This legislation infringes on the language rights of millions of Ukrainian citizens – Russians, Bulgarians, Hungarians, Greeks, Poles, Romanians, and speakers of other languages.

In April 2019, the Law on Ensuring the Functioning of the Ukrainian Language as the State Language was adopted, stipulating the use of the Ukrainian language in all spheres of public life, except for private communication and religious practice. According to the law, any attempt to introduce official multilingualism in Ukraine is recognized as an action aimed at forcibly changing or overthrowing the constitutional order. At the same time, the document provides for preferential treatment of indigenous languages, as well as the European Union languages. Thus, the Russian language which is used by the majority of the population in everyday life is subject to double discrimination.

Another step towards the establishment of a mono-ethnic language

regime in a multinational state was the signing of the Law on Complete General Secondary Education by Volodymyr Zelensky on March 13, 2020.¹³⁶ Under this law, the Russian language in the Ukrainian State is also placed in a discriminatory position as compared to both Ukrainian and the languages of EU countries and indigenous peoples. All students falling under these categories retain the opportunity to receive full education in their native language on an equal footing with ethnic Ukrainians. Representatives of national minorities speaking the EU languages have the opportunity to study in their native language for the first four years, followed by a gradual increase from 20 to 60 percent in the amount of study time in the Ukrainian language by the ninth grade. For all other students, the amount of study time in the state language should be 80-100 percent already in the fifth grade. Thus, children of Russian-speaking nationalities – Russians, Belarusians, Armenians, Jews, Greeks, and Ukrainians – face significant infringement of the right to education in their native language guaranteed to them by article 53 of the Constitution of Ukraine.

Ahead of the universal transition to the Ukrainian language of study, in the second half of June 2020, a centralized stock-taking of school library collections was carried out to ensure that all educational institutions have textbooks. However, the Ukrainian education system turned out to be unready to translate legislation into practice. Pupils' parents report that schools are not ready to provide their children with textbooks and recommend purchasing them at their own expense.¹³⁷

Several international human rights structures have commented on discriminatory legislative steps taken by the Ukrainian authorities. In December 2017, an expert opinion of the European Commission for Democracy through

¹³⁶ "The President of Ukraine signed the Law on Education." *Izvestia*. March 13, 2020. Available at <https://iz.ru/986778/2020-03-13/prezident-ukrainy-podpisal-zakon-ob-obrazovanii>

¹³⁷ "There are no Textbooks, but you should Hold on! How Russian Schools are Being Switched to the Ukrainian Language of Study." *Strana.UA*. June 10, 2020. Available at <https://strana.ua/news/272272-zakrytie-russkikh-shkol-v-ukraine-hde-brat-uchebniki-na-move.html>

Law (Venice Commission of the Council of Europe) which confirmed that the Law on Education contained discriminatory provisions was published. The PACE resolution on Protection and Promotion of Regional or Minority Languages in Europe of January 23, 2018, also contained critical assessments in this regard. In December 2018, Lamberto Zannier, OSCE High Commissioner on National Minorities, stressed that Ukraine "should remain a space open for all groups of nationalities with different languages, which they should have the right to use." Lamberto Zannier voiced his criticism of the odious Ukrainian language laws several times during 2019: at the meeting of the OSCE Permanent Council on 23 May¹³⁸, the UN Security Council on July 16¹³⁹, as well as in the interview with the *Izvestia* newspaper¹⁴⁰ during his visit to Russia (July 22-26, 2019).

With regard to the Law on Education, the Venice Commission published its expert opinion in December 2017. In particular, the Commission's experts noted that this law did not contain provisions that would regulate the situation of languages other than the official languages of the EU, in particular, Russian, which was the most common language in the State after Ukrainian. It was also indicated that the most acceptable solution would be to amend article 7 of the document to replace the wording on the possibility of teaching one or more disciplines in two or more languages (State, English, and other official languages of the EU) with a more balanced and clearly formulated one.

¹³⁸ Address by OSCE High Commissioner on National Minorities Lamberto Zannier to the 1229th Plenary Meeting of the OSCE Permanent Council. May 23, 2019. Available at <https://www.osce.org/permanent-council/420572/>

¹³⁹ Briefing Security Council on Ukraine, Under-Secretary-General Expresses Concern over Language Law, Ceasefire Violations. July 16, 2019. Available at <https://www.un.org/press/en/2019/sc13884/doc.htm>

¹⁴⁰ "We eliminate distortions in Ukraine's language law" interview of OSCE High Commissioner on National Minorities Lamberto Zannier to the *Izvestia* newspaper. July 29, 2019. Available at <https://iz.ru/903512/ekaterina-postnikova/ny-ustraniaem-iskazheniia-v-ukrainskom-zakone-o-iazyke>

The Commission also invited the Ukrainian authorities to provide more time for enacting new rules.¹⁴¹ However, official Kyiv limited itself to introduce only a provision allowing national minorities whose mother tongue is one of the official languages of the EU to continue their education in this language until 2023. The status of other languages was once again neglected.

The opinion of the Commission also contained the recommendation that private schools should be excluded from the scope of restrictions.¹⁴² The Ukrainian authorities implemented this recommendation only when adopting the Law on Complete General Secondary Education, following which Kyiv announced having fully implemented the Commission's recommendations. In practice, however, the measures taken had no influence on the status of the Russian or other languages that are not the official languages of the EU, and all discriminatory provisions were preserved.

In December 2019, the Venice Commission published its Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language,¹⁴³ where experts noted the contradiction between the content of the Law and Ukraine's international obligations. In particular, the Commission criticized provisions allowing for double discrimination against the Russian language (given the preferential regime adopted with respect to the EU official languages) in public and political life, and in social and cultural spheres. According to the Opinion, the requirement that "scientific publications shall be made public in the State language, English and/or other official languages of the EU" "does not seem justified" and "constitutes a breach of the freedom of expression." The same concerns the ban on holding cultural and recreational events in Russian.

¹⁴¹ Opinion No. 902 / 2017 of the Venice Commission (December 8-9, 2017). Available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e)

¹⁴² *Ibid.*

¹⁴³ Opinion No. 960 / 2019 of the Venice Commission (December 6-7, 2019). Available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD(2019)032-e)

The Commission criticized the creation of the post of Commissioner for the Protection of the State Language, and the introduction of the mechanism for submitting complaints and imposing sanctions in a form of administrative fines as legal grounds for the use of this measure by the officials remain unclear.

Experts underlined that the language policy pursued by the authorities is a source of constant inter-ethnic tension, which makes it impossible to achieve peace and harmony in society. Kyiv's attention was drawn to the need to hold without delay consultations with representatives of the public to draft a separate law on the procedure for the exercise of rights of indigenous peoples and national minorities, abandon "differential treatment" of minorities' languages, "consider repealing the mechanism of complaint and sanctions set forth in the Law or at least to limit it strictly to the public sphere," and, in general, "to revise the State Language Law in order to ensure [...] its compliance with Ukraine's international [human right] commitments."¹⁴⁴ The Commission's assessments and recommendations were supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁴⁵

Hungary's criticism was provoked by Ukraine-initiated legislative amendments on the use of languages that also affected the Hungarian minority's right to education. For example, at the meeting of the OSCE Permanent Council on January 23, 2020, the Hungarian delegation made a statement criticizing the Law on Complete Secondary Education, having stressed, in its analysis of the Law's application, Kyiv's violation of the recommendations of the Venice Commission and the 1950 European Convention on Human Rights. During his visit to Ukraine on February 7, 2020, Hungary's Foreign Minister Péter Szijjártó proposed two possible solutions to the language issue: to grant to the Hungarian minority the same status as to the indigenous peoples, or to abandon teaching a

¹⁴⁴ Ibid.

¹⁴⁵ OHCHR Report on the human rights situation in Ukraine. May 16 to August 15, 2019. Available at https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

number of subjects in high school in the State language while increasing the number of hours of the Ukrainian language. However, both options were rejected by former Minister of Education and Science of Ukraine Hanna Novosad.

The need to revise the approach to the language issue is also understood by certain officials in the State itself. For example, on December 10, 2019, Verkhovna Rada deputy from the *Servant of the People* party Maksim Buzhanskiy introduced draft law no. 2577 on priority measures regarding the language issue in Ukraine,¹⁴⁶ aimed to remedy the situation in the field. However, calls to recognize the fairness of the criticism against aggressive Ukrainization remain unheeded. On February 4, 2020, the draft law was withdrawn.¹⁴⁷

Chairman of the Verkhovna Rada Dmytro Razumkov was straightforward saying about the need to amend the Law on Supporting the Functioning of the Ukrainian Language as the State Language: "If we speak about the language, the language law should suit everyone and comply with the Constitution," said Razumkov, "I speak Ukrainian and Russian quite well, and sometimes English. But if we speak about certain processes, let us recall the position of our foreign partners. What did the Venice Commission say about it? There are a lot of issues. But humanitarian issues should unite the society."¹⁴⁸

Another remarkable initiative concerning the protection of language rights of the Russian-speaking population was draft law no. 3084 on amendments to the internal procedures of the Verkhovna Rada of Ukraine (regarding its working language),¹⁴⁹ proposed by Maksim Buzhanskiy together with MP from the *Opposition Platform – For Life* Oleg Voloshin. The sponsors propose to introduce to the internal procedure of the executive body

¹⁴⁶ A draft law on repealing Ukraine's State Language Law was submitted to the Rada. RIA News. December 10, 2019. Available at <https://ria.ru/20191210/1562212174.html>

¹⁴⁷ See http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=2577&skl=10

¹⁴⁸ "Razumkov: the Language Law Should Suit Everyone." *News-Front*. June 13, 2020. Available at <https://news-front.info/2020/06/13/razumkov-zakon-o-yazyke-dolzhen-ustranit-vseh/>

¹⁴⁹ See http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68176

amendments which would provide for an opportunity for MPs to use Russian and other languages of national minorities in their work under art.10 of the Constitution of Ukraine. According to this provision of the main law, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed. The explanatory note says that the internal procedure of the Verkhovna Rada of Ukraine does not provide for constitutional guarantees and norms regarding the free development, use and protection of Russian, and other languages of national minorities of Ukraine.¹⁵⁰ At the end of April 2020, the Committee on Humanitarian and Information Policy of the Verkhovna Rada recommended the legislators to reject the draft law.¹⁵¹

Apart from measures concerning the coercive Ukrainization in education, the Law on Amending Certain Laws of Ukraine on the Language of Audiovisual (Electronic) Media (adopted in October 2017) has been fully implemented since October 2018; according to it, the proportion of shows and films on the nationwide television channels is at least 75 percent and those aired by regional and local TV companies – at least 50 percent.¹⁵²

Human rights activists point out in this regard that this measure may turn out to be ineffective: instead of the expected Ukrainization of the media sphere, the application of the said law may lead to a change in information products consumption patterns in favor of Internet resources and to contraction of the traditional media market (press and television). It may cause the decrease in the number of officially registered publications, particularly Ukrainian-language newspapers.¹⁵³

¹⁵⁰ "In the Rada, it was Proposed to Allow MPs Make Statements in Russian." *TASS*. February 25, 2020. Available at <https://tass.ru/mezhdunarodnaya-panorama/7835401>

¹⁵¹ "In the Rada, it was Recommended to Reject the Draft Law on the Use of the Russian Language." *RIA News*. April 30, 2020. Available at <https://ria.ru/20200430/1570816489.html>

¹⁵² See more detailed information on the situation of Ukraine's media in the section on restrictions on the media activity.

¹⁵³ The language issue and media in Ukraine. Human rights platform *Uspishna Varta*. May 2019. Available at <https://storage.uspishna-vart.com/source/Media-and-language.pdf>

Human rights violations by Ukrainian law enforcement bodies

The right to liberty and security of person is not guaranteed in Ukraine. According to international human rights monitoring entities, in the country, there are numerous facts of unlawful detention, torture, intimidation, ill-treatment, and sexual violence, including to extort confession or compel cooperation. From May 2018 to May 2019, the UN Human Rights Monitoring Mission in Ukraine recorded 57 such cases.

Redress of the current situation with regard to countering the arbitrariness of law enforcement bodies is greatly hindered by the fact that a lot of crimes committed by officials in the past remain unpunished. In its report, Human Rights in Eastern Europe and Central Asia – Review of 2019, human rights organization *Amnesty International* pays attention to the fact that Ukraine's "authorities failed to attain justice for all victims of human rights violations committed during the [...] protests in 2013-2014, which were violently suppressed by security forces resulting in more than 100 people killed and hundreds injured."

"The ongoing investigation, slow and ineffective, was further hampered by the institutional reform involving the [...] transfer of investigative functions from the Prosecutor General's Office to the newly instituted State Investigation Bureau (SIB), the break-up of the initial team of [the Maidan case] investigators and dismissal of its [...] leader and its other members, and the parliament delaying the required legislative amendments." Besides, the report criticizes the SBU's «practice of running secret prisons," which is "still denied" by the authorities "and not effectively investigated."¹⁵⁴

One of the recent and most high-profile evidence of ill-treatment practice of law enforcement officers is events taken place in the Kagarlyk police station (Kyiv Oblast) on the night of May 23-24, 2020. Law enforcement officers

¹⁵⁴ *Amnesty International* report: Human Rights in Eastern Europe and Central Asia – Review of 2019. Available at <https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>

tortured a woman, who had been summoned to the police station as a witness: she was put on a gasmask and handcuffed; they fired from a service gun over her head and raped her several times. At the same time, a detained man was subjected to torture in another room of the station. The UN Human Rights Monitoring Mission in Ukraine (HRMU) expressed deep concern about reports of the incident, having called on the authorities to conduct an effective, prompt, thorough, and impartial investigation into all alleged crimes committed by the police. The HRMU also addressed the parliament of the country, having pointed to the need to make art. 127 of the Criminal Code of Ukraine fully compliant with art. 1 of the Convention against Torture.¹⁵⁵

On May 5, 2020, *Donetskie Novosti*, referring to the press-service of the State Bureau of Investigation of Ukraine, reported that three investigators of the criminal police of Kramatorsk would stand trial for torturing a young man. In December 2019 during an interrogation as part of the criminal investigation into a fraud, law enforcement officers beat and strangled the victim, threatening him with a taser.¹⁵⁶

On May 30, 2020, in Ivano-Frankivsk Oblast, police officers beat two detained teenagers. Young men were compelled to undress up to the underwear and were humiliated for their tattoos. Also, one of the officers threatened the detainees demanding that they sign the protocol.¹⁵⁷

On June 4, 2020, *Strana.UA* reported about the involvement of the head of the police of Pavlohrad and his subordinates in evidence falsification, and intimidation and torture of the suspect to obtain evidence.¹⁵⁸

¹⁵⁵ "The UN Reaction to Rape and Torture in Ukraine's Kagarlyk." *EurAsia Daily*. May 29, 2020. Available at <https://easaily.com/ru/news/2020/05/29/v-on-otreagirovali-na-iznasilovanie-i-pytki-v-ukrainskom-kagarlyke>

¹⁵⁶ "An 18-Year-Old Guy was being Tortured during Four Hours: in Donbas, Three Policemen from Kramatorsk will Stand Trial." *Donetskie Novosti*. May 5, 2020. Available at <https://dnews.dn.ua/news/747503>

¹⁵⁷ "In Ivano-Frankivsk, Policemen Beat Teenagers and Attacked them Verbally." *Sharij.net*. Available at <https://sharij.net/v-ivano-frankovske-politseyskie-izbili-i-obmaterili-podrostkov>

¹⁵⁸ "The Head of the Police of Pavlohrad Organized a Gang that Tortured People for a Positive Clearance Rate." *Strana.UA*. June 4, 2020. Available at <https://strana.ua/news/271321-nachalnik-politsii-pavlohrada-orhanizoval-oph-i-pytal-ljudej.html>

On April 21, 2020, in Mykolaiv, policemen beat an administrator of a mining-farm, and illegally seized and embezzled its hardware.¹⁵⁹

There are still numerous violations of the citizens' right to a fair trial, including in criminal cases related to the conflict in Donbas. In particular, coercion of persons on remand to conclude plea agreements, proceedings in the absence of defendants, attacks on lawyers and their intimidation by right-wing radicals, as well as their pressure on representatives of the judiciary remain a wide-spread practice. Cases of human rights violations, including "torture and ill-treatment of conflict-related detainees" by the SBU, are regularly documented by the HRMU.¹⁶⁰

On December 29, 2019, there was an exchange of detainees between Kyiv and the self-proclaimed DPR and LPR. A few people returned from the territories controlled by Ukraine's Government reported that officers of the SBU and Azov radical formation had tortured them to compel confession. In particular, the prisoners had to take responsibility for hostilities taken place in Mariupol on May 9, 2014, and to testify about their commando training near Rostov. The detainees were subjected to beating, strangling, simulated hanging and drowning, torture with electric shocks, and threatening with reprisals against their close people.¹⁶¹

Exchanged persons also told that they had been detained in the SBU's secret prisons before being sent to pre-trial detention centers. Besides, the

¹⁵⁹ "In Mykolaev, Policemen Beat a Cryptocurrency Miner and Took his Hardware, Said SIB." *FOCUS*. May 28, 2020. Available at <https://focus.ua/ukraine/456282-v-nikolaev-politseiskie-izbili-mainera-kriptovaliut-i-zabrali-u-nego-oborudovanie-ghr>

¹⁶⁰ OHCHR Report on the human rights situation in Ukraine. November 16, 2019, to February 15, 2020. Available at https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf

¹⁶¹ "A Sportswoman Released by Ukraine Told about the SBU Torture." *Izvestia*. December 21, 2019. Available at <https://iz.ru/export/google/amp/960488>; "Persons Exchanged between Kyiv and Donbas Told about the SBU Torture." *Izvestia*. December 30, 2019. Available at <https://iz.ru/959939/2019-12-30/uchastniki-obmena-plennymi-mezhdu-kiyevom-i-donbassom-rasskazali-o-pytках-sbu>; "A Participant of the Prisoners Exchange between Kyiv and Donbas Told about Torture with Electric Shocks." *Izvestia*. December 31, 2019. Available at <https://iz.ru/960331/2019-12-31/uchastnik-obmena-mezhdu-kiyevom-i-donbassom-rasskazal-o-pytках-tokom>

period from actual detention to the official registration of the detention covered from a few weeks to a few months.¹⁶²

According to Human Rights Ombudsman of the self-proclaimed Donetsk People's Republic Daria Morozova, all detainees released by Kyiv confirmed that they had been subjected to illegal interrogation methods.¹⁶³

Human rights defenders are deeply concerned about the state of the penitentiary system in Ukraine. The persisting problems in this area were pointed out by the Committee against Torture (CAT) back in November 2014 upon the consideration of the sixth periodic report of Ukraine on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They particularly noted "poor conditions in places of detention, including serious overcrowding, which gives rise to inter-prisoner violence" and leads to a higher "mortality rate, including a high incidence of suicide."¹⁶⁴

Besides the adverse prison conditions, there are also a significant number of cases of arbitrary detention and torture in Ukrainian prisons, located, however, in the territory controlled by Kyiv. Such crimes are usually committed by agents of the Security Service of Ukraine (SBU) against detainees, including those arrested in connection with the conflict in the south-east of Ukraine. In particular, these incidents have been documented by the HRMU.¹⁶⁵

¹⁶² "Persons Exchanged between Kyiv and Donbas Told about the SBU Torture." *Izvestia*. December 30, 2019. Available at <https://iz.ru/959939/2019-12-30/uchastniki-obmena-plennymi-mezhdu-kievom-i-donbassom-rasskazali-o-pytках-sbu>

¹⁶³ "The DPR Ombudsman Said about the Torture of Prisoners in Ukraine." *Izvestia*. December 30, 2019. Available at <https://iz.ru/960173/2019-12-30/ombudsmen-dnr-zaiavila-o-pytках-liudei-v-ukrainskom-plenu>

¹⁶⁴ Concluding observations by the Committee against Torture on the sixth periodic report of Ukraine. November 2014. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUKR%2fCO%2f6&Lang=en

¹⁶⁵ See, for example, OHCHR report on the human rights situation in Ukraine. November 16, 2015, to February 15, 2016, paras. 48-49. Available at www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf; OHCHR report on the human rights situation in Ukraine. November 16, 2015, to February 15, 2016. Available at www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf; OHCHR report on the human rights situation in Ukraine. May 16 to August 15, 2017, paras. 53-58. Available at https://www.ohchr.org/Documents/Countries/UA/UAREport19th_EN.pdf; OHCHR report on the human rights

Special Rapporteur of the United Nations Human Rights Council on Torture Nils Melzer, who visited the country from May 28 to June 8, 2018, made similar observations. The Special Rapporteur remarked that torture and violence committed by law enforcement officers and the SBU against detainees had a structural nature and were commonly characterized by impunity. In some of the institutions visited Nils Melzer noted a perceptible reluctance on the part of inmates to speak about torture, which was both because of their fear of reprisals and because of their general distrust in the law enforcement and judicial authorities. He also pointed out that "most of the detention infrastructure [was] very old and in dire need of renovation or replacement, and lack of heating was noticed in some cells while others were poorly ventilated." The inmates' meals were also of inadequate quality; "as a consequence, most inmates were reported to rely almost exclusively on supplementary food they received through family parcels."¹⁶⁶

Torture and violence by law enforcement officers and the SBU against detainees have a systemic nature and are commonly characterized by impunity.¹⁶⁷ In this regard, the HRMU also notes the pattern of using torture and cruel treatment against detainees on the part of the SBU.¹⁶⁸

The identified problems are far from being resolved. Foreign States and judicial authorities concur with this. For example, on May 27, 2020, the Higher State Court of Lower Saxony in Oldenburg rejected Ukraine's request to extradite Russian citizen Oleksandr Onyshchenko because of the inhuman and degrading prison conditions in Ukraine. The Court noted, in particular, that

situation in Ukraine. May 16 to August 15, 2019. Available at

https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

¹⁶⁶ Report of Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Nils Melzer following his visit to Ukraine from May 28 to June 8, 2018. January 2019. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/010/58/PDF/G1901058.pdf?OpenElement>

¹⁶⁷ Report of Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Nils Melzer following his visit to Ukraine from May 28 to June 8, 2018. January 2019. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/010/58/PDF/G1901058.pdf?OpenElement>

¹⁶⁸ OHCHR report on the human rights situation in Ukraine. May 16 to August 15, 2019. Available at https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

should Oleksandr Onyshchenko be extradited, the compulsory minimum international standards for the treatment of prisoners would not be upheld. To support its decision, the Court referred to the 2018 Report of the European Committee for the Prevention of Torture (CPT). Notably, in the aforementioned document, the CPT remarked that the pre-trial detention center in Kyiv, where the Ukrainian authorities intended to place Oleksandr Onyshchenko, was "blacklisted": the cells were overpopulated, the facilities were poorly maintained, the norms of space per one prisoner were not fulfilled, and the inmates were not receiving medical care. The CPT deemed such conditions inhuman and degrading. It was also pointed out that this problem had a systemic character. Similar situations are discovered in other pre-trial detention centers and penitentiary facilities in Kyiv and other Ukrainian cities.

Another incident highlighting serious deficiencies in the penitentiary system in Ukraine occurred on January 8, 2020, when inmates of the Oleksiyivska Correctional Colony No. 25 in Kharkiv prepared a riot. The Kharkiv Human Rights Protection Group thinks that it was caused by the repeated torture on the part of the prison administration, as well as by the practice of beatings and rape. The human rights defenders also state that the prison administration, using voluntary collaborators, extorted money from prisoners. The investigation on January 9 uncovered the incidence of the use of force and non-lethal weapons with the assistance of a rapid response team against 22 prisoners.¹⁶⁹

¹⁶⁹ "Rape and Torture: Causes of the Riot in the Kharkiv Colony Revealed." *Unian*. January 11, 2020. Available at <https://www.unian.net/society/10825985-pytali-i-nasilovali-stali-izvestny-prichiny-bunta-v-harkovskoy-kolonii-video.html>

Discrimination against worshippers and ministers of the canonical Ukrainian Orthodox Church

Ukrainian authorities continue persecuting the canonical Ukrainian Orthodox Church (UOC, the largest religious organization in Ukraine, according to media, holding jurisdiction over more than 12,000 parishes)¹⁷⁰ while covertly inciting the right-wing radicals against it.¹⁷¹ In 2016-2019, there were multiple cases of forcible takeover, arson, destruction of church property, physical violence, and intimidation of clergymen or congregation.

The current legislation has been amended in an attempt to redistribute church property, including the forcible transfer of rights to its use from the UOC to the new so-called Orthodox Church of Ukraine (OCU), created in December 2018 during the Poroshenko administration. On December 20, 2018, the Verkhovna Rada adopted a law, obligating the UOC to change its name to the "ROC (Russian Orthodox Church) in Ukraine." January 17, 2019 marked the adoption of the Law on Amendments to Some Laws of Ukraine Concerning the Subordination of Religious Organizations and the Procedure of State Registration of Such Organizations with the Status of Legal Entities, simplifying the change of confessional affiliation for religious communities, a decision that practically institutionalized forcible takeovers.

To force the UOC communities to transfer to this Kyiv-fostered religious organization, the Ukrainian authorities and law enforcement took several measures violating the constitutional rights and freedoms of Ukrainian citizens. For example, the invitations to the "Unification Council" in December 2018, the event that marked the creation of the *OCU*, were given to the UOC bishops by the government officials, with a strong recommendation to take part in the event. The bishops have also been called for "dialogues" and interrogations to

¹⁷⁰ "Secessionists Came up with a Plan to Gain Power in Ukraine." *RIA Novosti*. March 12, 2020. Available at <https://ria.ru/20200312/1568459033.html>

¹⁷¹ For more information on the rampant right-wing radical groups in Ukraine, see the section on manifestations of Neo-Nazi ideology.

the SBU, prevented from crossing the state border of Ukraine, detained under various pretexts, and subjected to humiliating searches.

There were attempts to criminally prosecute the UOC ministers on baseless accusations in "high treason" and "inciting religious hatred". Mass searches were conducted in diocesan administration buildings, churches, and homes of ministers in several regions of Ukraine (for example, in Rivne and Zhitomyr Oblasts). All data storage devices, including children's mobile phones, were confiscated. Searches and inspections for church valuables also took place in the territory of the Kyiv Pechersk Lavra and the Holy Dormition Pochayiv Lavra.

In February 2019, when returning from a visit to the United States, abbot of the Desiatynny monastery in Kyiv, Bishop Gedeon of Makarov, was deported from Ukraine and stripped of his citizenship. During the said visit, Bishop Gedeon met with the U.S. Congress senators and informed them of the discrimination against the UOC worshippers in Ukraine. The State Border Guard Service claimed that the hierarch had been detained due to document issues, according to an order from "one of the law enforcement agencies." In April 2019, Bishop Gedeon filed a lawsuit demanding to restore his Ukrainian citizenship, and, in September 2019, the Kyiv District Administrative Court obligated the State Migration Service to restore his citizenship.¹⁷²

During the presidential campaign from its start to the tally of votes in late April 2019, the pro-government media in Ukraine held a massive campaign to discredit the UOC: repeated baseless political accusations against church communities, namely accusations of covertly supporting "separatists," alleged creation of weapon caches inside churches, and refusals to read funeral services for the Ukrainian soldiers who perished during the ATO. There were leaflets of extremist character distributed in various regions of Ukraine inciting to "destroy

¹⁷² The Kyiv Court decided to restore Bishop Gedeon of Makarov in his Ukrainian citizenship. September 20, 2019. Available at <http://www.patriarchia.ru/db/text/5501726.html>

the UOC". Personal data of hierarchs and ministers of the Ukrainian Orthodox Church were published on various Internet pages, including the notorious "Mirotvorets" website.

This information campaign provoked a surge in violence towards the UOC. The number of acts of vandalism against the temples and holy places of the canonical church, looting of temples, arsons or fires "due to unidentified reasons" (Kharkiv, Kyiv, Rivne, Odesa, Mykolaiv, Kryvyi Rih, Kirovohrad, Sumy, and other Oblasts) amount to dozens. Only in 2016-2019, approximately 100 canonical temples in Ukraine suffered from vandalism, looting, and arsons.

For example, on February 15, 2019, in Kryvyi Rih there was an attempt to arson the UOC Saviour Transfiguration Cathedral (the city's oldest temple) using a Molotov cocktail; Nazi slogans were drawn on the temple's walls (however, the criminal case was brought on the grounds of intentional damage to property).¹⁷³

Takeovers and illegal re-registrations of UOC communities were actively organized, with the participation of right-wing radicals, primarily in Ternopil, Rivne, Volyn, Vinnytsia, and Chernivtsi Oblasts. For example, in February 2019, in Hnezdychne, Ternopil Oblast, during the takeover of a UOC temple, police special units, radical militants with red and black patches on their sleeves, and OCU supporters assaulted the worshippers of the Ukrainian Orthodox Church, including the priest, who was the head of the local UOC community.¹⁷⁴ In Berestechko, Volyn Oblast, OCU activists led by the city council head took over the canonical church temple (a historical landmark), cutting through the doors with a chainsaw in the presence of the police.¹⁷⁵ In May 2020, at the order of Volyn Oblast Governor Yuriy Pohuliaiko, this

¹⁷³ February 15, 2019, Kryvyi Rih: Act of vandalism against the city's oldest temple. Official website of the UOC diocese of Kryvyi Rih. February 16, 2019. Available at <http://www.eparhia.com.ua/?p=38308>

¹⁷⁴ "In Ternopil Oblast, Police and Unknown Assailants Attacked a Temple." February 4, 2019. *News24ua*. Available at <https://news24ua.com/na-ternopolshchine-policiya-i-neizvestnye-s-boem-brali-v-plen-hram>

¹⁷⁵ "OCU Supporters Took over the Holy Trinity Church of the Ukrainian Orthodox Church in Berestechko, Volyn Oblast." *Pravoslavie.RU*. February 7, 2019. Available at <https://pravoslavie.ru/119209.html>

temple, as well as the previously taken-over Church of the Nativity of the Blessed Virgin Mary in the settlement of Borovychi were permanently transferred to the secessionist OCU communities that initiated the takeover. Both temples are local architectural landmarks.¹⁷⁶

There are regular clashes around the temple in Luka-Meleshkivs'ka, Vinnytsia Oblast. On March 16, 2019, the UOC worshippers together with the priest were locked in their own temple by the OCU supporters, who prevented them from conducting a service in the temple. The Archbishop Varsonofy of Vinnytsia and Bar, who arrived at the scene, was assaulted by the OCU militants, which led to mass clashes. On June 15, 2019, during the attempted takeover in the middle of the church service, some UOC community members and the clergy were assaulted. On June 30, 2019, the worshippers were dragged from the temple one by one and then kicked on the ground. In September and October 2019, there were recurring attempts at takeover; the Ukrainian Orthodox Church worshippers were threatened and hit with stones. Another takeover attempt came in May 2020.

In April 2019, in Kopytiv, Rivne Oblast, the OCU supporters took over the UOC temple after assaulting the worshippers gathered before the temple in prayer (one female parishioner was hospitalized). Witnesses report that the takeover of the temple was orchestrated by government officials. The police also sided with the OCU activists. At first, the police officers did not interfere, then joined the attackers.¹⁷⁷

In 2020, the unprecedented harassment campaign against the UOC priests and parishioners continued. Nationalist radicals, OCU adepts, and their creatures amidst the Ukrainian authorities used the spread of the coronavirus infection to accuse the UOC clergy of alleged "flagrant violations of quarantine

¹⁷⁶ Ukraine's Volyn Oblast authorities continue to "legalize" takeovers of church buildings. June 2, 2020. Department of external contacts of the ROC. Available at <https://mospat.ru/ru/2020/06/02/news184800/>

¹⁷⁷ "Several People Injured in Temple Takeover by OCU." *news.ru*. April 14, 2019. Available at <https://news.ru/europe/neskolko-chelovek-postradali-pri-zahvate-hrama-upc/>

rules." The canonical church itself was practically called "the source of the infection." Articles appeared in the Ukrainian media, urging to use this as a ground to take the Kyiv Pechersk Lavra away from the UOC. A similar petition appeared on the website of the Office of the President of Ukraine.

There has been a targeted media campaign around the spread of coronavirus in Kyiv Pechersk and Pochayiv Lavras. The authorities of Ternopil Oblast blamed Pochayiv Lavra for the coronavirus outbreak. Oksana Chaichuk, Chief Sanitary Doctor of the Oblast, publicly described the scheme of how Lavra was allegedly involved in the increase in cases. Besides, the MIA of Ukraine initiated two criminal cases of mass quarantine violations in Sviatohirsk and Pochayiv Lavras. Cases of contamination in the Trinity Monastery of St. Jonas and Goloseevsky monastery in Kyiv were also reported.¹⁷⁸

In turn, the head of the Pochayiv City Council Vasily Boyko said that the information published in the media about the Holy Dormition Pochayiv Lavra as a hotbed of infection was not true. According to him, there are indeed priests with identified COVID-19 in Pochayiv, but they all live in the city and are not residents of the monastery.

"These priests are not people who intentionally spread the virus," he emphasized. "On the contrary, they were infected by parishioners, infected by those people who had been working abroad, then came here and were not quarantined or self-isolated. Consequently, in such a way this infection came to us in Pochayiv."¹⁷⁹

The campaign against the UOC was also followed by attacks on UOC-owned temples. Only in April 2020, two weeks before and after the

¹⁷⁸ "Trial by Virus. What Happens in Lavras and Monasteries during the Epidemic." *Strana*. UA. April 27, 2020. Available at <https://strana.ua/news/263895-koronavirus-v-kievo-pecherskoj-lavre-i-druhikh-monastyryakh-chto-proiskhodit.html>

¹⁷⁹ "Mayor of Pochayiv: COVID-19 Outbreak Began not in Lavra, but among City Residents." *Soyuz pravoslavnyh zhurnalistov*. April 25, 2020. Available at <https://spzh.news/ru/news/70823-mer-pochajeva-vspyshka-covid-19-nachalasy-ne-v-lavre-a-sredi-zhitelej-goroda>

celebration of Orthodox Easter, four churches of the Ukrainian Orthodox Church were set on fire. In three cases they were churches located on the territory of monasteries known far outside Ukraine. On April 12, the Holy Dormition Monastery in Rivne Oblast was set on fire. One-half of the monastery buildings burned down. The monks said they found Molotov cocktails while extinguishing the fire. Firefighters said the fire was caused by a short circuit. On April 15 during the Holy Week, the perpetrators burned to ashes the wooden church of St. Martyr Paraskeva in the village Lukavtsy, Chernivtsi Oblast, which had been standing for over 120 years. The police said the fire was caused by a short circuit, but priests reported that the temple had been completely de-energized the day before. On April 21, there was a fire in Gamalievka convent in Sumy Oblast, where the burial vault of Hetman of Zaporizhian Host Ivan Skoropadsky and other members of this Cossack family are located. The police initiated a case of fire safety violations. On the night of April, 23 to 24, there was a big fire in the Holy Dormition Monastery in the Odesa Oblast, which was also caused by arson. According to the monks, an unknown perpetrator threw Molotov cocktails under monastery cars. The fire was immediately extinguished by monastery residents. At the same time, there was a fire in the utility room. After that, the fire department was called in. The police initiated a case under article 194, para. 2 of the Criminal Code of Ukraine – Willful destruction of or damage to property¹⁸⁰.

These incidents are cited as examples and the list is not complete or exhaustive. In all cases of seizures, the UOC community, despite pressure from the authorities, refused to join the OCU and continue to gather for services in their own houses and utility rooms. In some cases, communities have to perform divine services in the open air.

¹⁸⁰ "Four Fires on Easter Days. Who Set Fire to Temples and Monasteries of the UOC." *Strana.UA*. April 24, 2020. Available at <https://strana.ua/news/263325-pozhary-v-khramakh-upts-mp-foto-i-video-kto-podzhihaet-tserkvi-i-monastyri.html>

International human rights structures and monitoring mechanisms that observe the situation in Ukraine describe in the most negative way the situation with the transfer of churches and religious communities from the UOC to the OCU where Ukrainian right-wing radicals often play an active role. Thus, the HRMMU recorded a number of cases of infringement of the rights of the Ukrainian Orthodox Church's worshippers, including the pressure exerted by the SBU (searches, interrogations of clerics of the UOC). In particular, it was noted that "a process of mandatory renaming of religious organizations that are affiliated with religious centers in the Russian Federation ... is primarily targeting Ukrainian Orthodox Church communities and may be discriminatory." The Mission also acknowledged that the so-called "transfers" of communities from the UOC to the OCU "in a few cases were not voluntary and were initiated by state or local authorities or even representatives of extreme right-wing groups, who were not members of those religious communities."¹⁸¹

Illegal seizures of churches also came under the spotlight of the OSCE SMM. For example, in early 2020, the Mission found that the worshippers of the church in the village of Mikhalcha, Chernivtsi Oblast, even despite the quarantine measures taken in the region to prevent the spread of coronavirus infection, continue to carry out round-the-clock duty around the church, which began as early as 2019, and intend to keep it until the dispute over the establishment of ownership of this religious site is resolved in court¹⁸².

¹⁸¹ OHCHR report on the human rights situation in Ukraine. November 16, 2018, to February 15, 2019. Available at <https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019.pdf>

¹⁸² SMM Weekly Report of April 7, 2020.

Violations of social and economic rights of the population in South-Eastern Ukraine

The Ukrainian authorities limit the rights of internally displaced persons and the Russian-speaking population. Often the need to combat "Russian aggression" and separatism serves as a justification for the relevant actions and measures.

Due to the ongoing internal armed conflict in the south-east of the country, Kyiv has introduced a permit regime for citizens to cross the "contact line." Many human rights institutions, including the UN Human Rights Monitoring Mission in Ukraine (HRMMU), note the extremely difficult conditions for its crossing due to the insufficient number of checkpoints and their poor arrangement. The lives of the elderly and those with health problems are particularly at risk. For example, in the first half of 2019 alone, 11 people died because of these reasons. Human rights activists urge the Kyiv authorities to take prompt measures to improve the situation.

More than 5 million people affected by the conflict, including about 1.3 million registered internally displaced persons (IDPs) and citizens living in areas of fighting, have limited access to basic services such as water, heating, and health care, face a lack of adequate housing, as well as mechanisms for legal protection and redress.

International human rights institutions and mechanisms, as well as human rights activists, note with concern that the conflict unleashed by the Kyiv authorities in the south-east of the country negatively affects the entire population, causing massive impoverishment and contributing to economic stagnation. Thus, only between 2013 and 2015, the percentage of the population

living below the minimum subsistence level increased from 22 percent to 58 percent.¹⁸³

The anti-corruption measures declared by the Kyiv authorities, which include the establishment of a number of specialized anti-corruption agencies, are ineffective in practice and do not help to successfully overcome deep-rooted corruption in the Ukrainian state. The situation in this area was noted with concern by the Independent Expert of the UN Human Rights Council (HRC) on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, Juan Pablo Bohoslavsky, following his visit to Ukraine in May 2018.¹⁸⁴ The level of corruption was also highlighted by the Committee on Economic, Social and Cultural Rights (CESCR) in April 2014¹⁸⁵ and the Committee on the Elimination of Discrimination against Women (CEDAW) in February 2017. According to CEDAW experts, corruption, as well as the growth of unemployment, the decline in standards of living of the population and the ongoing crisis create favorable conditions for widespread trafficking¹⁸⁶.

CESCR also noted with concern the many other challenges in the socio-economic sphere. Thus, the Committee noted that despite the measures taken to alleviate poverty, the relative poverty level remained comparably stable. Marginalized groups, including the Roma, Crimean Tatars, large families (with

¹⁸³ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, Juan Pablo Bohoslavsky, on his mission to Ukraine in May 2018. December 2018. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/448/76/PDF/G1844876.pdf?OpenElement>

¹⁸⁴ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, Juan Pablo Bohoslavsky, on his mission to Ukraine in May 2018. December 2018. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/448/76/PDF/G1844876.pdf?OpenElement>

¹⁸⁵ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Ukraine, April 2014. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fUKR%2fCO%2f6&Lang=en

¹⁸⁶ Concluding observations by the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine, February 2017. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2fCO%2f8&Lang=en

three or more children) and families with children under the age of three, families with unemployed members, persons with disabilities, households comprised of retired persons, single-parent households, and immigrant families were most adversely affected. At the same time, the poverty rate in rural areas is 1.7 times higher than in urban areas.

CESCR also highlighted challenges in employment. According to the Committee, Roma and Crimean Tatars are most affected by this. A significant pay gap (on average at around 30 percent) between women and men persists. The levels of the minimum wage and the minimum pension are still not sufficient to provide workers, unemployed persons, and pensioners with a decent living for themselves and their families. The non-payment of wages is still a problem.

A number of health issues were registered, primarily due to the low proportion of health expenditures. The problems include high health-care costs, informal payments demanded of patients, the inadequate infrastructure of the primary health-care system, outdated medical equipment, the quality and availability of health-care services, especially in rural areas and for disadvantaged and marginalized individuals and groups, the shortage of certain drugs and the drop in vaccination coverage.¹⁸⁷ Inadequate state of health care in Ukraine was also pointed out by CEDAW.¹⁸⁸

The Ukrainian authorities do not guarantee the payment of pensions to all citizens regardless of their place of residence and registration. In this context, IDPs and residents of the self-proclaimed DPR and LPR are in the weakest position as they face significant difficulties in obtaining social benefits. In 2018,

¹⁸⁷ Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Ukraine, April 2014. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fUKR%2fCO%2f6&Lang=en

¹⁸⁸ Concluding observations by the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine, February 2017. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2fCO%2f8&Lang=en

President's representative at the Verkhovna Rada of Ukraine Iryna Lutsenko said that as of 2014, about 1.2 million pensioners lived in the south-east of the country. After the outbreak of hostilities, pensions continued to be paid to 570,000 people who lived in the territory controlled by Kyiv. Over 600,000 people were left without social support from the authorities.¹⁸⁹ According to the Pension Fund of Ukraine, in December 2018 only 562,000 people registered on the territory of unrecognized republics (which is less than half of their total number as of August 2014) continued to receive the allocated funds within this institution.

Restrictions imposed by the Kyiv authorities, including those of a legal nature, create extremely unfavorable conditions for residents of the non-controlled territories in the south-east and impede the payment of pensions to them. Thus, in order to receive pensions, residents of the non-controlled areas of Donbas have to go to the territory controlled by the Kyiv authorities and register themselves as internally displaced persons. At the same time, the way through the control lines is complicated by both long queues and possible escalation of hostilities. Every pensioner has to come on a regular basis (every two months) to undergo verification procedures. If a pensioner fails to complete this procedure in time, he or she will usually be deprived of the benefit and will have to go through the pension process once again.

According to Denis Denisov, Director of the Institute of Peace Initiatives and Conflict Studies, checkpoints are often crowded with hours of queues. It is noted that "crossing the contact line still takes a long time. It is obvious that many pensioners, due to their health, are unable to come to get their pensions.

¹⁸⁹ "Matter of Political Will: Why can't Kyiv Ensure Pensions for the Donbas Residents." *RT*. March 13, 2020. <https://russian.rt.com.ussr/article/727754-donbass-pensii-on-ukraina/amp>

Moreover, such a trip is often accompanied by a risk to life in the literal sense of the word. The mass media regularly report deaths at checkpoint crossings."¹⁹⁰ The HRMMU noted that the lack of access to quality basic services and discriminatory policies of the Kyiv authorities continued to have a negative impact on the rights of people affected by the conflict in the south-east, in particular on freedom of movement and access to pensions and social benefits, with internally displaced persons (IDPs) particularly affected. Noting the implementation of a mechanism for paying compensation for houses destroyed during the conflict (this was only made possible after urgent appeals by international human rights entities), the Mission expressed concerns about the continued discrimination of the conflict-affected citizens on the basis of their place of residence, as well as the nontransparent methods of calculating the compensation amount. Moreover, the problem of using civilian property for military purposes without compensation remains. Neither the central nor local authorities provided adequate housing and paid compensation to persons forced to relocate due to their property being used for military purposes or due to the proximity to military positions.¹⁹¹

Juan Pablo Bohoslavsky, Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, drew attention to problems in this field in his report. In particular, the expert pointed out that the pensioners living in Donbas were forced to regularly cross the control line and register as internally displaced persons in order to continue to receive pensions. At the same time, they face risks to life and significant travel expenses – from 50 to 80 percent of the pension. According to Juan Pablo Bohoslavsky, over 600,000 pensioners do not receive payments. Moreover, the payment of pensions to those who

¹⁹⁰ "Matter of political will: Why can't Kyiv Ensure Pensions for the Donbas Residents." *RT*. March 13, 2020. <https://russian.rt.com/ussr/article/727754-donbass-pensii-on-ukraina/amp>

¹⁹¹ OHCHR report on the human rights situation in Ukraine. May 16 – August 15, 2019. Available at https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

registered their place of residence in territories controlled by the Ukrainian authorities was stopped in 2017.¹⁹²

The CEDAW raised concerns about the inconsistency between legislation and practice in Ukraine. In particular, the Committee emphasized that although the Law on Ensuring Rights and Freedoms of Internally Displaced Persons was approved in October 2014 and several decisions and regulations on assistance to internally displaced women were adopted, no implementation measures were taken.¹⁹³

The Committee on the Elimination of Racial Discrimination (CERD) also drew attention to the plight of displaced persons following the consideration of the combined 22nd and 23rd periodic reports of Ukraine on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in August 2016. Thus, the Committee expressed concern that social benefits, including pensions, were linked to the internally displaced persons status and the residing in areas controlled by the Kyiv authorities, which made it impossible for all internally displaced persons to gain access to such social benefits; local integration of internally displaced persons was complicated by the existing legislative and regulatory frameworks; such persons faced difficulties in gaining access to affordable housing and proper employment; and that the existing movement restrictions impeded access to social services, education, and health services.

The Committee also noted that people were exposed to physical danger when crossing the control line: they could get caught in crossfire or get hurt by land-mines. All these factors prevent persons belonging to ethnic minorities,

¹⁹² Report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights Juan Pablo Bohoslavsky following a visit to Ukraine in May 2018. December 2018. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/448/76/PDF/G1844876.pdf?OpenElement>

¹⁹³ Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine. February 2017. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2fCO%2f8&Lang=en

such as Roma, from registering as IDPs and receiving social assistance. Most such persons are at risk of discrimination and stigmatization.¹⁹⁴

In 2018, the Administrative Services Reform Office at the Ministry of Economic Development and Trade of Ukraine developed a draft law on freedom of movement and choice of place of residence in Ukraine, which provided for checks to establish whether citizens resided at their place of registration. The information collected is supposed to be entered into a single information system. Human rights activists assess these measures as a confirmation of Kyiv's intention to restore the residence permit system.

After the shift of government in Ukraine, no progress has been made in resolving the issue of paying pensions to Donbas residents, as the new administration continued the policy of de facto denying residents of the south-east part of the country access to pensions. Deputies' individual initiatives to solve this problem receive no support.

Thus, in late November 2019, the Verkhovna Rada registered draft law No. 2083-d on amendments to certain laws of Ukraine concerning the exercise of the right to a pension, which provided for simplification of the pensions registration process. In particular, the bill discharges pensioners' obligation to register as IDPs. In case of loss of documents, the Ukrainian authorities may arrange pension payment using the information from the register of insured persons. Moreover, residents of non-controlled territories who have not paid contributions to the Pension Fund will have the opportunity to compensate for their employment history with no penalties by paying off the amount of unpaid

¹⁹⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd and 23rd periodic reports of Ukraine. August 2016. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en

contributions. However, after the first reading in February 2020, this draft law was withdrawn for further changes and thus de facto suspended.¹⁹⁵

Experts point out that there is very little chance that the draft law will be adopted in a version that allows for the payment of pensions to residents of non-controlled areas on a wide scale. It is assumed that the text will be amended to reset the original meaning, so that the positive effect will not be achieved.

In March 2020, Matilda Bogner, head of the Human Rights Monitoring Mission in Ukraine, emphasized to the Kyiv authorities that they needed to commence pension payments to the residents of the non-controlled territories of Donbas, calling on the new Government and Parliament to review the draft law on pensions in accordance with human rights standards and to resume the process of its adoption as a matter of priority.¹⁹⁶

¹⁹⁵ "Matter of Political Issue: Why Can't Kyiv Ensure Pensions for the Donbas Residents." *RT*. March 13, 2020. Available at <https://russian.rt.com.ussr/article/727754-donbass-pensii-oon-ukraina/amp>

¹⁹⁶ "Matter of Political Issue: Why Can't Kyiv Ensure Pensions for the Donbas Residents." *RT*. March 13, 2020. Available at <https://russian.rt.com.ussr/article/727754-donbass-pensii-oon-ukraina/amp>

Human rights violations in the context of the spread of coronavirus infection

In March 2020, the first cases of the new coronavirus infection were registered in Ukraine. Country's authorities faced the issue of introducing several restrictive measures to counter the pandemic. However, not all of them proved to be justified and proportionate to the emergency circumstances, making it impossible to find a balance between the objective need to fight COVID-19 and the State's compliance with its obligations to protect human and civil rights and freedoms.

Thus, a number of human rights organizations recorded cases of freedom of speech restrictions, such as, in particular, authorities unjustifiably refusing to provide information to media representatives in accordance with the provisions of the Law on Access to Public Information.¹⁹⁷

Combating the spread of the coronavirus infection was used as a pretext to hold closed sessions of the City Council of Nova Kakhovka, Kherson Oblast. The relevant decision was adopted by a vote on the day when the budget allocations issue was to be addressed.

In Kakhovka, Kherson Oblast, all media representatives, except for journalists of *Kakhovskie Novosti* and *Kakhovskaya Zarya* newspapers, have been denied access to the administration buildings of the local legislative bodies.

Similar measures have been undertaken in the Lyubimovka settlement, Kakhovsky district of Kherson Oblast, upon Rural Council Chairman's verbal instructions.

On April 9, Tatyana Tertychnaya, Chair of the Kakhovsky District Council, denied Sergei Makogon, correspondent of the *Kakhovskaya Zarya*

¹⁹⁷ How to Protect the Rights of Vulnerable Groups During the COVID-19 pandemic? Vision of Freedom House Ukraine. April 30, 2020. Ukrainian Helsinki Human Rights Union. Available at <https://helsinki.org.ua/en/articles/how-to-protect-the-rights-of-vulnerable-groups-during-the-covid-19-pandemic-vision-of-freedom-house-ukraine/>

newspaper, entry to the session, referring to the decision of the district emergencies commission.

On April 3, in Kamenskoye city, Valentin Figol and Denis Kravets, correspondents of *Pilniy Poglad* ("The Closer Look") and *Sobytie* ("The Event") news agencies, were denied access to the extraordinary session of the City Council. However, the local TV channel team had no problems getting into the building.

On March 18, in Kryvyi Rih, Dnepropetrovsk oblast, a group of accredited journalists of the *Pervyi Krivorozhskiy* news site were prohibited from attending the session of the City Council. To justify the prohibition, the officials referred to a certain "instruction to introduce disease prevention measures at the Executive Committee of the City Council."

When Oleksandr Kurilov's article on officials of Kremenchuk city, Poltava Oblast, using the pandemic theme for self-promotion was published in the *Programma Plus* weekly newspaper on April 5, Vitaliy Maletsky, mayor of the city, requested the SBU to inspect the activities of both the news agency itself and the particular journalist. The professional community accused the Mayor of exerting pressure upon the media and called on to cease persecution of the press for expressing criticism.¹⁹⁸

It should be noted that article 34 of the Constitution of Ukraine envisages the possibility to limit the right to freedom of thought and speech, and free expression of opinions and beliefs to protect public health. However, such limitations must be grounded on law rather than verbal instructions of the head of the local government body, its commission's or working group's decision, etc. Moreover, article 25, para. 4 of the Law of Ukraine on Information gives media representatives the right to gather information in areas of natural

¹⁹⁸ Institute of Mass Information. 15 "Lockdown" Violations of Freedom of Expression Recorded in Ukraine – IMI. April 14, 2020. Available at <https://imi.org.ua/en/monitorings/15-lockdown-violations-of-freedom-of-expression-recorded-in-ukraine-imi-i32650>

disasters, catastrophes, accidents, mass disturbances, and military operations upon presentation of documents confirming their professional affiliation.

There have also been cases of violence against journalists who gather information on the epidemiological situation and the self-isolation regime. In some cases, their work was obstructed by citizens themselves. For example, on April 2, 2020, a group of unknown people attacked the *ZIK TV* film crew while the latter were working on a story about the implementation of quarantine measures at Kyiv's sports fields.

In March, in the city of Khmelnytskyi, Tatyana Sivokon, *NewsOne* TV channel journalist, who was preparing a story on the sale of medical masks in the shopping center, was attacked by a salesman who injured her arm.¹⁹⁹

On April 17, 2020, in the city of Sambor, Lviv Oblast, a supermarket security guard used physical force against employees of the *Pervyi Zakhidnyi* ("The First Western") TV channel, who were filming a story about the store's compliance with quarantine requirements.²⁰⁰

In Kyiv Oblast, an unknown person hindered the work of Alina Sheremeta, journalist from the *Gromadskie Telebachennya* ("Public Television") Internet TV channel, who was interviewing employees of a pharmacy, a store, and a delivery service about measures taken to prevent the spread of coronavirus.

On May 7, in Zaporizhia, a man tried to hinder the work of a journalist and operator of the *NTN* TV channel while shooting a story about the Bakhchisarai market that was open during the quarantine. He fought and tried to tear the respirators off the media workers.

In Lviv, the correspondent and cameraman of the *Pershyi Zahydneyi* TV channel ("The First Western") were tried to be pushed out of the hairdresser's

¹⁹⁹ "In Khmelnytskyi Oblast, a Salesman Injured a Journalist's Arm After Being Asked a Question About Masks." *Ukraina.ru*. April 23, 2020. Available at <https://ukraina.ru/news/20200423/1027506976.html>
²⁰⁰ Ibid.

shop. The correspondents were also working on a story about the violation of the imposed restrictions.²⁰¹

Another equally sensitive aspect of the State's measures to fight COVID-19 is the recent changes in the Ukrainian personal data protection law, which compromises the right to privacy provided for under article 32 of the Constitution of Ukraine.

On April 18, 2020, the Law on Amendments to the Law on the Protection of the Population against Infectious Diseases regarding the prevention of coronavirus (COVID-19) entered into force. Among other changes, this act allows for the possibility to process personal data relating to the state of health, place of hospitalization or self-isolation, surname, name, patronymic name, date of birth, place of residence, work or study without the owners' consent for the period of quarantine and within 30 days from the date of its cancellation. The information obtained should be used exclusively for epidemics prevention.

Human rights activists were concerned that the adopted legal instrument did not meet the principle of legal certainty. They noted that it does not provide answers to three key questions: what specific subjects have such type of authority; how much personal data can they process; as well as how should they work with information and in what ways should they exchange it between different institutions. It is specified, that granting access to a significant amount of sensitive information about citizens to State and municipal authorities and local government bodies does not provide real guarantees that the data would not be disseminated and will be destroyed once the quarantine is over. It also lacks mechanisms to protect against potential abuses.

²⁰¹ "Beaten so They Would Not film: Why Were the Journalists Attacked in May." *NSJU.org*. Available at <http://nsju.org/novini/byly-shhob-ne-znimaly-za-shho-napadaly-na-zhurnalistiv-u-travni/>